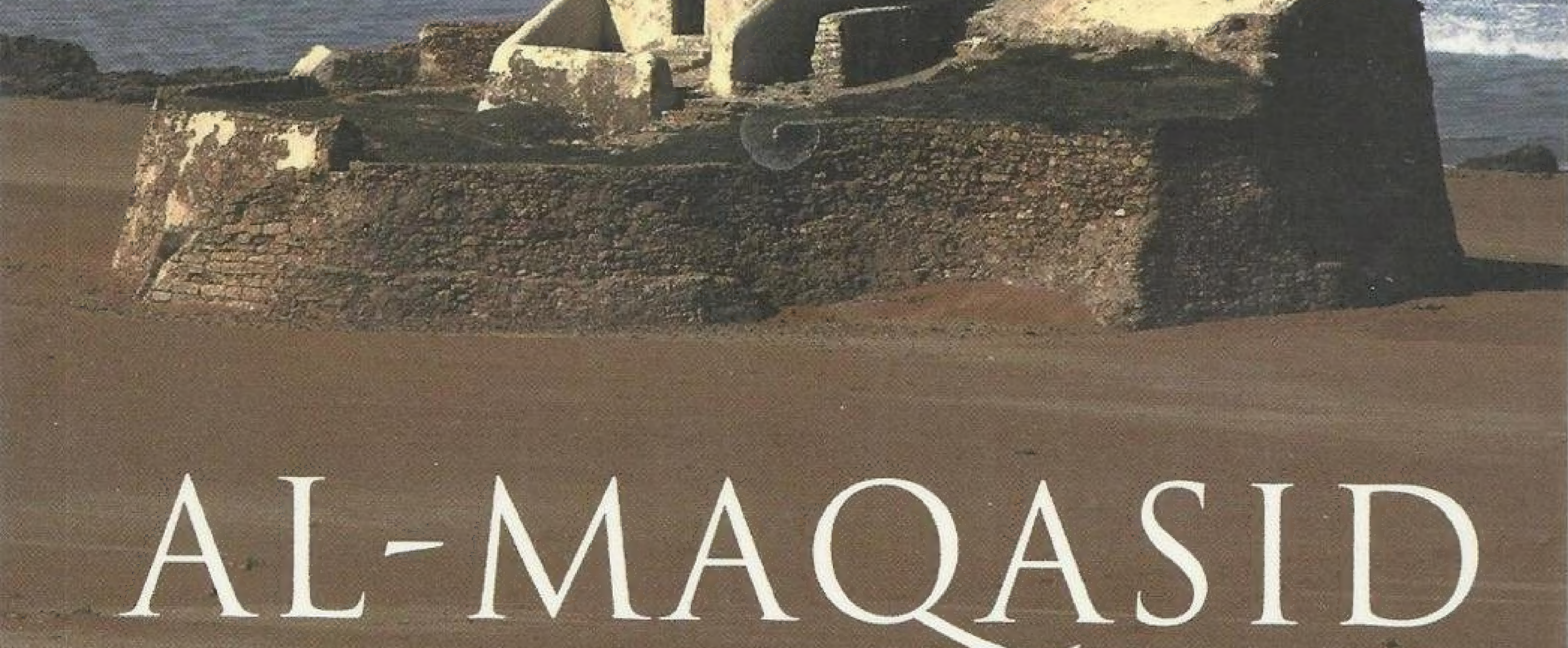


AL-MAQASID

NAWAWI'S MANUAL OF ISLAM



Translation and Notes by

NUH HA MIM KELLER

Revised and Expanded Edition

AMANA PUBLICATIONS

AL-MAQASID



Whoever Allah wants good for
He gives sound understanding of the religion
PROPHETIC TRADITION

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CONTENTS

A comprehensive table of contents precedes each chapter.

In the Name of Allah,
Most Merciful and Compassionate

INTRODUCTION

Praise to Allah Most High, who shows whomever He wills the path to eternal happiness, the sunna of His beloved prophet (Allah bless him and give him peace), to whom He gave the message for mankind:

"Say: 'If you love Allah, then follow me; Allah will love you and forgive you your sins. Verily Allah is forgiving and compassionate'" (Qur'an 3:31).

To *follow* the Prophet (Allah bless him and give him peace) was a simple matter for his Companions (Sahaba); they knew and loved him, and when he would tell them something, they said, "We hear and obey." When he passed from this world, the Qur'anic imperative remained, and the Companions diligently preserved all that they had learned from him, both the Divine Book that Allah had sent with him, and his example, in word and deed. Those who had taken knowledge from him during his lifetime passed it on to those after them, and so on down to our own times—and little wonder, for in their eyes, these were medicines that meant eternal life for whoever possessed them.

The Qur'an, the first source of guidance, was memorized during the lifetime of the Prophet (Allah bless him and give him peace) by thousands of Companions in a deliberate and sustained educational effort centered around the mosque in Medina, whence teachers were sent to tribes in all parts of the Arabian Peninsula. The *hadith*s, or eyewitness accounts of the Prophet's words and deeds, were transmitted in precisely the same way, first to contemporaries and then to subsequent generations. Someone who has lived among the Arabs can attest to their phenomenal powers of memory, and it is not difficult to understand why, given their concern, the individually recorded reports from his life came to number over a hundred thousand.

Many of these were from various narrators describing the same events, but allowing for repetitions (which were carefully memorized and transmitted by hadith masters (huffadh)), and discounting spurious (mawdu') accounts by later narrators (which were equally carefully preserved, so as not to be accepted), the substantive hadiths that reached the Muslims from the Prophet (Allah bless him and give him peace) numbered approximately thirty thousand.

The Muslim community responded to the magnitude of this knowledge and to the ethical imperative of living it on a daily basis with a wide range of scholarly disciplines that furnished the means to distill this vast tradition into a clear, practical answer to the question: What does Allah expect of one?

This then, is the basis of the study of Sacred Law or *shari'a* in Islam: we have been ordered to follow the Prophet (Allah bless him and give him peace), and he is no longer alive to personally teach us. All that has reached us of it has reached us through men. And this is why Muslims from earliest times have relied on the most knowledgeable of these men to take their religion from—whether in hadith, tenets of faith ('aqida), Qur'anic exegesis (tafsir), or the other Islamic sciences. The foremost of them were termed *Imams* or "leaders," in view of their position in each field, so their knowledge could be accepted and followed.

For orthodox Muslims (Ahl al-Sunna wa al-Jama'a), there are four Imams of Sacred Law: Abu Hanifa, Malik, Shafi'i, and Ahmad. The rulings that they concur upon, about 75 percent of them, are a decisive proof for Sunni Muslims; while those they differ upon have been accepted by the Community for over a thousand years as a mercy from Allah. Whoever examines the differences, moreover, finds that their roots invariably extend back to the prophetic Companions, from whom the Imams took their knowledge in an unbroken series of masters, the Companions in turn having been educated by the Prophet himself (Allah bless him and give him peace) such that it is unimaginable that their differences should be blameworthy.

Despite the preeminence of their rank, the Imams regarded themselves as explainers rather than legislators, and one of their greatest legacies was to the subsequent generations of scholars who followed in their footsteps, nearly a hundred in each school, scholars of the first rank who carefully rechecked the Imams' work in light of the primary texts of the Qur'an and hadith. The result was the traditional Islamic *shari'a* or Sacred Law embodied in the four schools of jurisprudence, which has won acceptance among Sunni Muslims down to our own day and become the unconquerable fortress of orthodox Islam (dis: 8.1).[1]

This Book

The author of the text, the thirteenth-century hadith specialist and jurisprudent Imam Nawawi, was among the intellectual heirs of Imam Shafi'i, whose work he refined until his books became references even more frequently used in the school than the early works of the Imam himself.

But with their scholarly excellence, many of Nawawi's books are lengthy and detailed, while for the purposes of the present volume, the translator sought a work whose small size would recommend itself to the needs of contemporary users. Also, upon examining the short works of Sacred Law that exist, the translator found that the original reason that many of them were authored in their brevity was as an aid to students memorizing them, rather than to give Muslims a basic guide to the rules of Islam.

The two aims are not necessarily the same thing. In previous centuries, students would come from their villages or neighborhoods to sheikhs, who would have them memorize a *matn* or short basic text of fiqh (jurisprudence), then teach the students what the condensed and often technical language of the particular

1 All cross-references in this work, whether to relevant *discussions* "(dis:)," to *definitions* "(def:)," or to the bibliographical or other sections, use section numbers (8.1). These sections are easily located using the numbers at the top corner of each page of the text.

rulings implied, the conditions for applying them, their evidential bases from Qur'an and hadith, and so forth. In this way, students returning to their native places were able to give reliable answers based on qualified scholarship to most of the questions in Sacred Law they encountered (as the *matn*s memorized were comprehensive), and then go on to explain the details of them they had learned from their sheikhs.

With such educational interests in view, the first priority of a *matn*'s author was often to state the content as briefly as possible to facilitate memorizing. The present work, *al-Maqasid*, is such a *matn* and reflects this need, and we find in it, for example, that Imam Nawawi has summarized the prayer (salat) in a few brief lists of integrals, conditions, and sunnas, to enable students who learn them to answer a wide range of questions on whether a particular prayer is valid. By way of contrast, the present translation aims at teaching the prayer and other aspects of Islam to learners, and lists of elements do not suffice for this, but have to be supplemented with a fuller description, for readers who want to know how to pray step by step. The goal in rendering the present work has thus been to provide an English translation that combines the reliability of a famous fiqh *matn* with an explanative style that does not require a specialist to understand.

Some Points About the Book

The basic text, Imam Nawawi's *al-Maqasid: ma yajibu ma'rifatuhu min al din* [The objectives: what is necessary to know of the religion] (9.60) below has been filled out with interlineal notes from parallel sections of *Reliance of the Traveller: A Classic Manual of Islamic Sacred Law* (9.51), a comprehensive textbook in Shafi'i jurisprudence published in English and Arabic, translated from Ahmad ibn Naqib al-Misri's *'Umdat al-salik* (9.50). *Reliance of the Traveller* is particularly suited to explain *al-Maqasid* because it represents, as its author notes, the soundest positions of the Shafi'i school based on the recensions of Imam Nawawi and Imam Rafi'i, giving precedence to Nawawi because he is the foremost reference of the school.

In the texts below, commentary from *Reliance of the Traveller* is distinguished from the text of *al-Maqasid* by parentheses, and is introduced in the English by a capital letter *R*. Remarks by the translator are similarly parenthesized but introduced with a lowercase *n*. Other notes begin with the author's name at the first of the quotation, and end with the source's title, volume, page number, and reference number from the present volume's bibliographical section 9; as in the preceding paragraph, where the reference number appears after each of the first three book titles.

The paragraphs of the text have been numbered to facilitate cross-reference, and titles and subtitles added by the translator. A small number of rulings have been omitted about matters deemed too rare to benefit most English-speaking Muslims (for example, zakat assessment on herds of camels). Within the rulings, columns of necessary *conditions* or *integrals,* meaning that all of them must be present for the ruling to hold true, are itemized by letters: (a), (b), (c), and so on. An example is the conditions for the validity of the prayer, which must all be met for the prayer to be valid. Columns of *examples* or instances of a ruling's applicability are itemized by numbers: (1), (2), (3), and so on, indicating that not all need exist, but any one of them suffices to apply the ruling, such as the things which invalidate fasting, the existence of any of which invalidates it.

Those who use the transliteration provided in the present volume to pronounce the Arabic of dhikr and supplications may also like to read or tape-record a native speaker reading the Arabic text indicated by the cross-reference number after each transliteration, directing the reader to section 10 at the end of the book.

Finally, a number of the notes of *Reliance of the Traveller* together with other essays by the translator have been appended to the end of the present volume to clarify certain points.

May Allah bless all who read this book with an increase of *baraka* and the love of Allah and His messenger (Allah bless him and give him peace) in this world and the next. Ameen.

المقاصد



ABBREVIATIONS

Ar. .... Arabic
ca. .... approximately
cm. ... centimeters
def: ... defined at another ruling
dis: ... discussed at another ruling
km. ... kilometers
lit. ..... literally
mi. .... miles
n: ...... remark by the translator
par. ... paragraph
pl. ..... plural
R: ..... from *Reliance of the Traveller*

AUTHOR'S PREFACE

In the Name of Allah, Most Merciful and Compassionate. Praise to Allah, Lord of the Worlds. The final outcome is to the pious, with enmity towards none save wrongdoers. And blessings and peace upon our liegelord Muhammad, the seal of the prophets and exemplar of the godfearing, and upon his folk and Companions one and all, those who followed after them, and all the righteous.

To commence, the following are beneficial objectives and resplendent lights: I ask Allah to make the work purely for His sake and to reward me for it out of His generosity. He is the protector of whoever seeks refuge in Him and takes by the hand whoever relies on Him. I have arranged them in seven sections.



I

FUNDAMENTALS OF FAITH AND SACRED LAW

أصول الدين

CONTENTS

Tenets of Faith

1.1 The first obligation of all who are morally responsible (Ar. mukallaf, someone who has reached puberty and is of sound mind) is to know God, meaning to know that He is existent and not nonexistent; beginninglessly eternal, not originating in or subject to time or space; everlastingly abiding, not subject to end; dissimilar to and other than anything within time or space, nothing in any way resembling Him; self-subsistent, free of need for anything through which to exist or any determinant to condition Him; One, without co-sharer in His entity, attributes, or actions; possessed of almighty power, will, knowledge, life, hearing, sight, speech, such that He is almighty, and wills, knows, lives, hears, sees, and speaks.

1.2 He sent the prophets out of His generosity, protecting them from everything unbecoming them, guarding them from both lesser sins and enormities both before their prophethood and thereafter, and from every offensive physical trait such as leprosy or blindness, though they ate, drank, and married. They were the best of all created beings; and the highest of them was he whom Allah chose to be the final seal of prophethood, whose Sacred Law superseded all previously valid religious laws, our prophet Muhammad (Allah bless him and give him

peace). His Companions (Sahaba) were the finest generation, the best of them being Abu Bakr, then 'Umar, then 'Uthman, then 'Ali, may the benefaction of Allah be upon them all.

1.3 We believe in everything that Allah has informed us of upon the tongue of Muhammad (Allah bless him and give him peace), such as the angels, the sacred scriptures, the questioning of the dead in their graves about their faith, the resurrection of the dead, their being gathered unto the Judgment Day, the terror of it, the taking of the pages in which one's good and bad deeds are recorded, the weighing of them, the balance scales, the high, narrow bridge over the hellfire that the saved will pass over to paradise, the intercession of the prophets and righteous for others, and in paradise and hell.

1.4 Everything that is necessarily known by Muslims to be of the religion (R: *necessarily known* meaning the things that any Muslim would know about if asked) is obligatory to believe, and anyone who denies it is a non-Muslim (kafir, dis: 8.3) (R: unless he is a recent convert or was born and raised in the wilderness or for some similar reason has been unable to learn his religion properly. Muslims in such a condition should be informed about the truth, and if they then continue as before, they are adjudged non-Muslims, as is also the case with any Muslim who believes it permissible to commit adultery, drink wine, kill without right, or do other acts that are necessarily known to be unlawful (n: as opposed to Muslims who do these things while believing them to be unlawful, for such people are merely disobedient Muslims, not non-Muslims (dis: 8.3.a)).

Fundamentals of Islam

1.5 The pillars of Islam consist of five things: to say the two Testifications of Faith: *Ash-hadu al-lā ilāha illa Llāh(u), wa ash-hadu anna Muḥammadar Rasūlu Llāh* (10.1) ("I testify that there is no god but Allah and I testify that Muhammad is the

Messenger of Allah") (R: even if they are not spoken in Arabic), without which one's Islam is not valid; the prayer (salat); zakat; the pilgrimage to Mecca; and fasting the month of Ramadan.

The preconditions for the validity of one's Islam are that one have reached puberty, be of sound mind, that the Prophet's message (Allah bless him and give him peace) have reached one, that one accept it voluntarily, and that one utter the two Testifications of Faith in their proper order without separating them, using the word *testify* in each. One must also know what is meant by them, and must acknowledge all that is necessarily known to be of the religion (def: 1.4) if one has denied any of it despite uttering them; and one must state them unequivocally.

1.6 The meaning of *true faith* (iman) is that one believes in Allah, His angels, His revealed books, His messengers, the Last Day, and in destiny, its good and evil.

1.7 Religion (din) consists of three matters: doing what Allah has commanded, avoiding what He has forbidden, and accepting what He has destined (dis: 8.4).

1.8 The foundations of the religion are four: the Qur'an, the sunna, scholarly consensus (ijma', (def: 8.5)), and analogy (qiyas, (8.14.b(III))) from other established rulings, when the latter two are recognized as binding by Islamic scholarship. Whatever contravenes these four bases is blameworthy innovation (bid'a, def: 8.6), and its perpetrator is an innovator who Muslims are obliged to avoid the company of and rebuke.

The Sacred Law

1.9 The rulings of the Sacred Law are five: obligatory, recommended, unlawful, offensive, and permissible.

(1) The *obligatory* (wajib) is that whose performance is rewarded (n: by Allah in the next life) and whose nonperformance is punished.

(2) The *recommended* (mandub) is that whose performance is rewarded, but whose nonperformance is not punished.

(3) The *unlawful* (haram) is that whose nonperformance is rewarded and whose performance is punished.

(4) The *offensive* (makruh) is that whose nonperformance is rewarded but whose performance is not punished.

(5) The *permissible* (mubah) is that whose performance is not rewarded and whose nonperformance is not punished.

1.10 *Prescribed* (fard), *obligatory* (wajib), *mandatory* (muhattam), and *required* (lazim) all mean the same thing (n: i.e. (1) above), though the obligatory is distinguished into two categories, the personally obligatory and the communally obligatory.

(1) The *personally obligatory* (fard al-'ayn) is required from every morally responsible (def: 1.1) person individually, such that if someone performs it, the obligation of performing it is not lifted from others, as with the prescribed prayer (salat) or giving zakat.

(2) As for the *communally obligatory* (fard al-kifaya), it is that which if some do, the obligation is lifted from the rest, as with some member of a group returning a newcomer's greeting of "*as-Salāmu 'alaykum*," or performing the funeral prayer, memorizing the Qur'an, commanding the right and forbidding the wrong when it is called for, or undertaking beneficial occupations that society needs.

1.11 The terms *sunna*, *recommended* (mandub), *preferable* (mustahabb), *meritorious* (fadila), and *desirable* (muraghghab fihi), all mean the same thing: that which the Prophet (Allah bless him and give him peace) said, or did (aside from what pertained to him alone (n: such as the night vigil (tahajjud) prayer, which was obligatory only for him)), or approved of in others, or accepted, or intended to do but did not carry out, as with fasting on 9 Muharram.

The Remembrance of Allah (Dhikr)

1.12 It is obligatory to say, *Ash-hadu al-lā ilāha illa Llāhu wa ash-hadu anna Muḥammadar rasūlu Llāh* (10.2) ("I testify that there is no god but Allah and I testify that Muhammad is the messenger of Allah") once in a lifetime, and it is highly desirable to do so frequently. It means that one acknowledges the oneness of Allah Most High, and the messengerhood of our liege-lord Muhammad (Allah bless him and give him peace). (n: For a note on the transliterated Arabic of the present volume, see 8.7).

1.13 The best form of worship, next to having faith in the heart (iman), is the prayer (salat).

1.14 The best remembrance (dhikr) of Allah, next to recital of the Qur'an, is *Lā ilāha illa Llāh* (10.3) ("There is no god but Allah"), meaning no other in existence is worthy of worship besides Allah.

The best glorification of Allah Most High is *Subḥānaka lā nuḥṣī thanā'an 'alayka Anta kamā athnayta 'alā nafsik* (10.4) ("Exalted be You, we are unable to glorify You as You glorify Yourself").

The best praise is *al-Ḥamdu li Llāhi ḥamdan yuwāfī ni'amahū wa yukāfi'u mazīdah* (10.5) ("Praise be to Allah, in the measure of His blessings and commensurate with His increase of them").

The best form of blessings upon the Prophet (Allah bless him and give him peace) is *Allāhumma ṣalli 'alā Muḥammadin wa 'alā āli Muḥammadin kamā ṣallayta 'alā Ibrāhīma wa 'alā āli Ibrāhīm(a), wa bārik 'alā Muḥammadin wa 'alā āli Muḥammadin kamā bārakta 'alā Ibrāhīma wa 'alā āli Ibrāhīma fī l-'ālamīna innaka ḥamīdun majīd* (10.6) ("O Allah, bless Muhammad and the Folk of Muhammad as You blessed Abraham and the Folk of Abraham. O Allah, show grace to Muhammad and the Folk of Muhammad as You showed grace to Abraham and the Folk of Abraham in the worlds; truly, You are the Most

Praiseworthy and Noble"). This is called the "Perfect Blessing" or "Abrahamic Blessing."

The blessing upon the Prophet (Allah bless him and give him peace, and increase him in honor) is obligatory in the final Testification of Faith (Tashahhud) of the prayer. (n: Aside from the prayer,) some scholars hold that it is obligatory but once in a lifetime, while others say it is obligatory whenever the Prophet (Allah bless him and give him peace) is mentioned. Others hold it is obligatory at every gathering, while others hold otherwise.

The Righteous

1.15 One should believe in the closeness to Allah of whoever has Sacred Learning and lives it, who adheres to the prescribed manners of the Sacred Law and keeps the company of the righteous. As for the bereft of reason or deranged, like those overcome by divine attraction (majdhub) without outward responsibility to obey the Sacred Law, we leave them be, consigning the knowledge of their real state to Allah, though it is obligatory to condemn whatever proceeds from them in contravention of the external appearances of the divine command, in observance of the rules of Sacred Law.

2

PURIFICATION



CONTENTS

Purification

2.1 (R: *Purification* (tahara) in Sacred Law means lifting a state of *ritual impurity* (hadath, def: 2.8), removing *filth* (najasa, 2.3), or matters similar to these, such as a *purificatory bath* (ghusl, 2.19) that is merely sunna, or renewing *ablution* (wudu, 2.10) when there has been no intervening ritual impurity.)

Water

2.2 Purification is only valid with plain water, not with:

(1) water previously used for purification (R: unless it has now been added together until it amounts to 216 liters (Ar. qullatayn) or more);

(2) water changed (R: *change* meaning (n: throughout the rulings below) in taste, color, or odor, so much that it is no longer termed *water*) through admixture (R: with something pure (tahir) (n: meaning not affected with filth) like flour or saffron, which could have been avoided);

(3) or *impure* water, meaning less than 216 liters of water into which filth (najasa, def: 2.3) has fallen. (R: Less than 216 liters becomes impure by mere contact with filth, whether the water changes or not, unless filth falls into it whose amount before it falls in is so slight that it is indiscernible by eyesight (meaning an average look, not a negligent glance nor yet a minute inspection). As for 216 liters (n: or more), it does not become impure by mere contact with filth, but only becomes so by changing (n: in taste, color, or smell) because of it, even when this change is only slight. If such change disappears by itself, such as through

standing at length or by water being added to it, even if the added water is used or impure, then the water is again purifying.)

Types of Filth (Najasa)

2.3 *Filth* (najasa) means:

(1) blood;

(2) (R: pus);

(3) vomit;

(4) liquid intoxicants (n: whether liquor, or other products containing ethyl or methyl alcohol, since these two are produced by wine fermentation, as opposed to other, chemically distinct types of alcohol that are not produced by wine fermentation, and hence not filth);

(5) anything that exits from the front or rear private parts other than sperm or female sexual fluid (n: the latter meaning that normally released in orgasm);

(6) any animate life that dies without being Islamically slaughtered other than aquatic life (n: excluding amphibians, which are filth if unslaughtered), locusts, or human beings;

(7) and dogs, swine, or their offspring.

A body part separated from a living being is considered (n: in respect to being filth or not) like the unslaughtered dead of that animal, except for the hair of those animals that Muslims may eat after slaughtering (n: i.e. such hair, fur, wool, feathers, and the like are pure).

2.4 Wine becomes pure if it turns to vinegar by itself (n: i.e. if nothing of visible size has been added to make it turn). So do hides of unslaughtered dead animals if tanned. (R: *Tanning* means removing from a hide all excess blood, fat, hair, and so on, by using an acrid substance, even if impure. (n: Commercial leather, even when originally impure because taken from an unslaughtered animal, is washed with pure water at every stage

of its tanning, so is pure). The hides of dogs or swine cannot be made pure by tanning. (n: Pig leather is distinguished by pores found in tiny groups of three forming triangles, and is common on the inner surface of shoes manufactured in the U.S. One should discard such shoes, which affect the foot with filth whenever wet.)

Purifying Articles from Filth

2.5 Whatever is affected by their saliva (R:—by traces of moisture from dogs or swine, whether saliva, urine, anything moist from them, or any of their dry parts that have become moist) can only be purified by being washed seven times, one of which must be with earth (n: meaning water made murky by earth, though another followable Shafi'i position holds that any cleansing agent, such as soap, may take the place of earth) (R: though if something dry such as the animal's breath or hair touches one's person, it need only be brushed away).

Articles affected with any other form of filth can be purified by washing it completely away with water just once, though three times is better.

Something affected with the urine (n: now dried, or so wrung out that no moisture is separable from it to the touch,) of a male infant that has eaten nothing (n: for nutrition, as opposed to things like a taste of dates for the sunna of *tahnik* after birth) besides milk (n: of any kind, human or non-human, as well as all dairy products made purely from milk, such as cheese, plain yogurt, or cottage cheese) can be purified by sprinkling (n: or pouring) water over it so that it covers the entire spot.

The dead of animals without flowing blood (R: such as flies and the like) are excusable (n: in water, though not on one's person) for purposes of ritual purity, as is a little pus or blood (n: on one's person, when praying, for example).

2.6 It is permissible to use any vessels or containers (n: or other instruments) besides those made from gold or silver.

If there is confusion between a pure vessel and one affected

with filth, one should take care to make sure to distinguish the one from the other.

The Toothstick (Siwak)

2.7 Using a toothstick (siwak) (R: a twig or the like on the teeth and around them, to remove an unpleasant change in the breath or similar, together with the intention of performing the sunna) is recommended except after noon for someone who is fasting. It is especially recommended for rising from sleep, performing the prayer, and any change in breath.

The Four Causes of Minor Ritual Impurity (Hadath)

2.8 Ablution (wudu) is necessitated by (n: i.e. is nullified by, and must be renewed after, any of the following four things, termed causes of *minor ritual impurity* (hadath), if one wants to perform something that may only be done with ablution, such as the prayer (salat), touching the Qur'an, and so forth):

(1) anything that exits from the front or rear private parts;

(2) loss of intellect (R: meaning the loss of the ability to distinguish, whether through insanity, unconsciousness, sleep, or other. *Loss of intellect* excludes drowsing and daydreaming, which do not nullify ablution. Among the signs of *drowsing* is that one can hear the words of those present, even if uncomprehendingly)—unless one falls asleep while firmly seated (R: on the ground or other surface firm enough to prevent a person's breaking wind while seated on it asleep (n: and remains that way until one wakes up));

(3) contact between the skin of a man and that of a woman (R: husband and wife, for example) when they are not legally permanently unmarriageable to each other (mahram) and there is no barrier (n: such as a layer of cloth) between them;

(4) and touching human private parts (n: the genitals or anus) with the palm or inner surfaces of the fingers (R: i.e. those surfaces that touch when the hands are put together, palm to palm.

Ablution is not nullified by vomiting, letting blood, nosebleed,

laughing during the prayer, eating camel meat, or other things not discussed above).

2.9 (R: When certain that minor ritual impurity (hadath) has occurred, but uncertain whether one subsequently lifted it with ablution, then one is in a state of minor ritual impurity (because in Sacred Law, a state whose existence one is certain about does not cease through a state whose existence one is uncertain about).

When certain that one had ablution, but uncertain that it was subsequently nullified, then one still has ablution.)

Ablution (Wudu)

2.10 The obligatory *integrals* (Ar. *rukn,* pl. *arkan,* one of the legally essential elements found within an action that compose it) of ablution are:

(a) to have the intention (R: when one starts to wash the face);

(b) to wash the face (R: meaning from the point where the hairline usually begins to the tip of the chin in height, and from ear to ear in width);

(c) to wash the arms (n: from the fingertips) up to and including the elbows (R: if dirt under the nails prevents the water of ablution (or the purificatory bath (ghusl, def: 2.19)) from reaching the skin beneath, then the ablution (or bath) is not valid. The same is true of waterproof glue, paint, nail polish, and so forth on the nails or skin: if it prevents water from reaching *any part* of the nails or skin, no matter how small, one's ablution or purificatory bath is not valid);

(d) to wipe some of the head (n: scalp) with wet hands (n: or wet it in any other fashion);

(e) to wash the feet up to and including the anklebones;

(f) and to do these things in the order mentioned.

2.11 The sunnas of ablution (wudu) are:

(1) to begin with the *Basmala* (n: the words *Bismi Llāhi r-*

Raḥmāni r-Raḥīm (10.7) ("In the Name of Allah, Most Merciful and Compassionate"));

(2) to wash one's hands (R: three times) before dipping them into the water container;

(3) to rinse out the mouth and nose (R: three times. One takes in a mouthful from a handful of water and snuffs up some of the rest of the handful into the nostrils (swishing the water around the mouth, and expelling the water of the mouth and the nose simultaneously), then again rinses the mouth and then the nostrils from a second handful of water, followed by rinsing the mouth and then the nostrils from a third handful of water);

(4) to cover the entire scalp area when wiping the head with wet hands (n: at (d) above);

(5) to wipe the ears (R: inside and out with new water three times, and then the ear canals with one's little fingers with more new water three times);

(6) to interlace the fingers (n: when washing one's hands to ensure that water reaches between them) and saturate between the toes (R: using the little finger of the left hand. One begins with the little toe of the right foot, coming up through the toes from beneath, and finishes with the little toe of the left);

(7) to saturate one's beard, if thick, by combing it from beneath with wet fingers;

(8) to begin with the right (R: when washing arms and legs, but not the hands, cheeks, and ears, which are washed (n: or wiped, as with the ears) right and left simultaneously);

(9) to wash (n: or wipe, if called for) each part three times (R: the obligatory minimum is once, though the sunna is to perform them each three times);

(10) to wash the parts of the body successively and without pausing between them (R: though if one pauses between them, even for a long time, one's ablution is still valid without renewing the intention);

Wiping Footgear

2.12 Wiping one's footgear (khuff) with wet hands (n: or any other means that wets them,) (R: which is a dispensation that can take the place of the fifth ablution integral of washing the feet) is permissible to a nontraveller for 24 hours and to a traveller for 72 hours (the beginning of the period being reckoned from the time of the first minor ritual impurity (hadath, def: 2.8) that occurs after having put them on while in a state of ablution (wudu)), provided:

(a) that one have full ablution when one first puts them on;

(b) (R: that they be free of filth (najasa, def: 2.3));

(c) that they be durable enough to keep walking around upon (n: for the duration of the above-mentioned periods) (R: as travellers do in attending to their needs when encamping, departing, etc.);

(d) that they cover the whole foot up to and including the anklebones (R: provided none of the foot shows. One may not wipe footgear if wearing just one of a pair, washing the other foot. Nor if any of the foot shows through a hole in them (n: even if tiny));

(e) (R: and that they prevent water if dripped on them drop-by-drop (n: three consecutive drops, or according to major authorities, prevent water *poured* on them) from directly (n: promptly) reaching the foot. If water reaches the foot through the holes of a seam's stitches, it does not affect the validity of wiping them, though if water can directly reach the foot through any other place, it violates this condition).

(R: The footgear Muslims generally use for this are ankle-high leather socks that zip up and are worn inside the shoes) (n: though they may be made of anything that fulfills the conditions) (R: including thick, heavy, wool socks that prevent water from reaching the foot (n: *directly,* i.e. by shedding the first few drops, or the first dash of poured water, as heavy wool does), but not modern dress socks (n: since they do not meet

conditions (c) and (e) above).)

2.13 (R: It is sunna to wipe the footgear on the top, bottom, and heel in lines, as if combing something with the fingers, without covering every part of them or wiping them more than once.

One puts the left hand under the heel and the right hand on top of the foot at the toes, drawing the right hand back towards the shin while drawing the left along the bottom of the foot in the opposite direction towards the toes.

It is sufficient as *wiping the footgear* to wipe any part of their upper surface with wet hands (n: or to wet them by any other means), from the top of the foot up to the level of the ankle-bones. It is not sufficient to only wipe some of the bottom, heel, side of the foot, or some of the footgear's inner surface that faces the skin.)

2.14 The validity of wiping the footgear is nullified by:

(1) taking them off;

(2) the permissible period for wiping them expiring;

(3) or the occurrence of a state of major ritual impurity (janaba, def: 2.17).

(R: When some part of the foot shows because of taking them off, or through a hole, or at the end of their permissible period, one removes the footgear to perform ablution (wudu), or, if one has ablution at the time, to wash the feet, before putting them on again and starting a new period of permissibility.

If a state of major ritual impurity (janaba) occurs during the permissible period for wiping footgear, one must take them off for the purificatory bath (ghusl, def: 2.19).)

Going to the Lavatory

2.15 It is obligatory to clean oneself of every impure substance (R: coming from one's front or rear, though not from gas). It is sunna to do so with a stone, followed by water. Water alone suffices, or three stones if these entirely remove the filth from the

place, provided they fulfill the conditions (n: mentioned next) that permit one not to use water. (R: Anything (n: such as tissue paper) can take the place of stones that is a solid, pure, removes the filth, and is not something that deserves respect or is worthy of veneration, nor something that is edible, these being five conditions for the validity of using stones or something else to clean oneself of filth without having to follow it by washing with water. "Cleaning oneself" with a dry substance means to remove the filth so that nothing remains but a trace that could not be removed unless one were to use water, and when this has been done, any remaining effects of filth that could have only been removed with water are excusable. But it is obligatory to wash oneself with water if:

(1) one has washed away the filth with a liquid other than water, or with something impure;

(2) one has become soiled with filth from a separate source;

(3) one's waste has moved from where it exited (reaching another part of one's person than the place, by the aperture, where it settled after exiting) or has dried;

(4) or if feces has spread beyond the inner buttocks (meaning that which is enfolded when standing), or urine moved beyond the head of the penis (n: or for a woman, reached the vaginal opening), though if they do not pass beyond them, stones suffice.)

2.16 (R: It is offensive to use the right hand to clean oneself of filth.)

It is unlawful to urinate (R: or defecate) with front or rear towards the direction of prayer (qibla) when outdoors (R: and there is no barrier to screen one, though this is permissible, when outdoors or in, within a meter and a half of a barrier at least 32 cm. high, or in a hole that deep. When one is not this close to such a barrier, it is not permissible except in a lavatory, where, if the walls are farther from one than the maximal distance or are shorter than the minimal height, relieving oneself with front

or rear towards the direction of prayer is permissible, though offensive.)

It is offensive to relieve oneself into still water, under fruit trees, on paths, in the shade (n: i.e. where people gather to talk), into holes, (n: or while standing, (R: which is offensive unless there is an excuse, such as when standing is less likely to spatter urine on one's clothes than sitting, or when sitting is a hardship).)

It is offensive to speak when relieving oneself.

The Causes of Major Ritual Impurity (Janaba)

2.17 The purificatory bath (ghusl, def: 2.19) is necessitated by (n: i.e. nullified by, and must be renewed after any of the following, the first two of which are termed *causes of major ritual impurity* (janaba). All that is forbidden in a state of major ritual impurity (def: 2.30) is forbidden after any of the following actions, until one performs the purificatory bath):

(1) the head of the penis entering the vagina;

(2) the exit of sperm from a male; or female sexual fluid (meaning that which comes from orgasm) from a female;

(3) death (n: it being obligatory to wash the dead);

(4) the end of a woman's menstrual period;

(5) the end of her postnatal bleeding;

(6) or after giving birth (R: if a child is born in a dry birth) (n: i.e. in the rare event of a birth without postnatal bleeding, for otherwise she waits till after her bleeding ceases).

2.18 (R: Male sperm and female sexual fluid are recognized by the fact that they:

(1) come in spurts (by contractions);

(2) with sexual gratification;

(3) and when moist, smell like bread dough, and when dry, like egg-white.

When a substance from the genital orifice has any *one* of the above characteristics, then it is sperm or sexual fluid and makes the purificatory bath obligatory. When not even one of the above characteristics is present, it is not sperm or sexual fluid. Being white or thick is not necessary for it to be considered male sperm, and being yellow or thin is not necessary for it to be considered female sexual fluid.

The purificatory bath is not obligatory when there is an unlustful discharge of thin, sticky, white fluid (madhy) caused by amorous play or kissing; or when there is a discharge of the thick, cloudy, white fluid (wady) that exits after urinating or carrying something heavy.)

The Purificatory Bath (Ghusl)

2.19 The purificatory bath (ghusl) has two obligatory features:

(a) that one intend (R: the purificatory bath, or to lift a state of major ritual impurity (janaba) or menstruation, or to be permitted to perform the prayer);

(b) and that one wash all of the skin (dis: 2.10(c)) (n: including that which is exposed of the private parts when squatting to relieve oneself) and hair (R: to the roots of the hair, under nails, and the outwardly visible portion of the ear canals).

Its sunnas are: to (n: first) perform ablution (wudu); to rub the body while bathing; and to wash the body parts consecutively and without interruption. (n: It is blameworthy to waste water.)

(R: Whoever performs the bath one time with the intention to both lift a state of major ritual impurity and fulfill the sunna of the Friday prayer bath has performed both, though if he only intends one, his bath counts for that one but not the other.)

2.20 The purificatory bath is sunna:

(1) for attending the Friday prayer (jumu'a) (R: the bath's time beginning at dawn);

(2) on the two 'Eids (n: *'Eid al-Fitr* at the end of Ramadan and *'Eid al-Adha* on 10 Dhul Hijja) (R: its time beginning from the middle of the night);

(3) on days when the sun or moon eclipse (n: if attending their prayer);

(4) before (n: performing) the drought prayer (istisqa');

(5) upon becoming a Muslim (n: though it is not merely sunna but rather *obligatory* if any of the things mentioned at 2.17 above have occurred before becoming Muslim);

(6) after recovering one's sanity, or regaining consciousness after having lost it;

(7) before entering the state of pilgrim sanctity (ihram, def: 6.2(a)), when entering Mecca, for standing at 'Arafa (6.2(b)), and for each day of stoning at Mina (6.4(b)) on the three days following 'Eid al-Adha;

(8) and after washing the dead (R: and it is sunna to perform ablution (wudu) after touching a corpse).

Dry Ablution (Tayammum)

2.21 (R: When unable to use water, dry ablution is a dispensation to perform the prayer or similar act (n: of worship requiring ablution) without lifting one's minor or major impurity, by the use of earth for one's ablution.) The conditions for the legal validity of performing dry ablution (tayammum) are:

(a) that one lack water, or fear to use it (n: *fear* including both from thirst (R: one's own thirst, or that of companions and animals with one, even if in the future) and from illness (R: an ailment from which one fears that performing a normal ablution (wudu) or purificatory bath (ghusl) would cause: harm to life or limb, disability, becoming seriously ill, an increase in one's ailment, a delay in recovering from one's illness, considerable pain, or (a bad effect from the water such as) a radical change in one's skin color on a visible part of the body. One's own previous experience may be sufficient to establish the probabil-

ity that one of these will occur if a full ablution or bath is performed. Or one may depend on a physician whose information concerning it is acceptable, meaning one with skill in medicine whose word one believes, even if he is not a Muslim));

(b) that dry ablution take place after the beginning of the prayer's time (R: if it is for an obligatory prayer or a nonobligatory one that has a particular time);

(c) that if lacking water, one search for some before performing dry ablution (R: When one is sure there is none, one performs dry ablution without searching for it);

(d) and that one use earth (R: plain, purifying earth that contains dust, even the dust contained in sand, though not pure sand devoid of dust).

2.22 The integrals of dry ablution are:

(a) that one make the intention (R: when one first strikes the earth, and it must continue until one wipes part of the face) for authorization (R: to perform the obligation of the prayer, or that which requires dry ablution (n: the former intention suffices for everything, though the latter only for itself));

(b) (R: that the dry ablution be performed by striking the earth twice, once for wiping the face, and a second time for wiping the arms);

(c) that one's hands (n: or anything else, such as a handkerchief) convey the earth (R: up to the face and arms, after having shaken the excess dust from one's hands);

(d and e) to wipe all the face (R: not missing under the nose) and hands and arms up to and including the elbows;

(f) and to do the above in the order mentioned.

2.23 The sunnas of dry ablution are:

(1) to begin with the *Basmala* (n: the words *Bismi Llāhi r-Raḥmāni r-Raḥīm* ("In the Name of Allah, Most Merciful and

Compassionate"));

(2) to wipe the right arm before the left;

(3) to wipe the arms immediately after (n: striking the earth after wiping) the face, without pause between them;

(4) (R: and for wiping the arms, holding the palms up, to place the left hand crosswise under the right with the left hand's fingers touching the backs of the fingers of the right hand, sliding the left hand up to the right wrist. Then, curling the fingers around the side of the right wrist, one slides the left hand to the right elbow, then turns the left palm so it rests on the top of the right forearm with its thumb pointed away from one before sliding it back down to the wrist, where one wipes the back of the right thumb with the inside of the left thumb. One then wipes the left arm in the same manner, followed by interlacing the fingers, rubbing the palms together, and then dusting the hands off lightly).

2.24 Dry ablution is nullified by:

(1) the occurrence of ritual impurity (n: whether minor (def: 2.8) or major (2.17));

(2) or the appearance of water, when one is not in prayer. (R: This belief (n: that one can now obtain water) also nullifies dry ablution when it occurs during one's prayer if the prayer is one which must be later made up, like that of someone at home who performs dry ablution for lack of water (because if one performs dry ablution in a place where water is generally available during the whole year, it is obligatory to make up one's prayer, in view of the fact that the dry ablution has been performed for a rare excuse. The rule is that whoever performs the prayer without full ritual purity because of a rare excuse is obliged to make up his prayer, as when the water of a city or village is cut off for a brief period of time during which those praying perform dry ablution, while if one has performed it in a place where water is seldom available during the year, it is not obligatory to make up

one's prayer, as when one performs dry ablution in the desert). But if not of those prayers that must be made up later, such as that of a desert traveller who has performed dry ablution, then the belief that one can now obtain water, when it occurs during prayer, does not nullify one's dry ablution, and one finishes the prayer, which is adequate, though it is recommended to interrupt it in order to begin again after one has performed ablution.)

2.25 One must perform one dry ablution for each prescribed prayer (R: though one may perform any number of nonobligatory prayers or funeral prayers with it).

Dry Ablution (Tayammum) for Injuries

2.26 If one has a bandage or cast (n: on a part of the body normally washed in ablution, a dressing that one could not remove without causing oneself harm), one wipes it with water (R: when one comes to it in the ablution sequence) in addition to performing a complete dry ablution (R: at that point).

One need not later make up prescribed prayers performed with such an ablution, provided that one had ablution when the bandage or cast was first applied (n: and that it does not cover more than necessary to hold it in place, and provided also that it is not on the face or arms, as discussed next) (R: when someone with such a bandage on the members of dry ablution (the face or arms) recovers and has his cast or dressing removed, he is obliged to make up (repray) all the prayers he performed with such an ablution.

The Hanafi school requires someone with an injury who wants to pray to make a complete ablution (or bath (ghusl), if needed). But if this would entail harm (n: one of the things mentioned above at 2.21(a)), then when he comes to the injury in the ablution sequence, he is merely required to wipe it with wet hands so as to cover more than half of the injury. If this would also entail harm, or if he has a bandage that cannot be removed without harm, or he cannot reapply the dressing by himself and has no one to help him to do so, then he simply wipes more

than half the bandage when he comes to it in his ablution. He may pray with such an ablution and need not repeat the prayer later (*al-Hadiyya al-'Ala'iyya* (9.1), 43–44) (n: provided his prayer fulfills the Hanafi school's conditions, integrals and requisites, which for Shafi'is can best be assured by performing *all* the Shafi'i recommended measures and sunnas for purification and prayer as though *obligatory*, and then checking if possible with a knowledgeable Hanafi to make sure one has done everything needed for legal validity). It is not necessary that he be free of minor or even major impurity (janaba) at the time the dressing is applied (*al-Lubab fi sharh al-Kitab* (9.49), 1.41).

There is strong evidence for performing dry ablution in place of washing such an injury. To add it at the proper point of the ablution sequence as a precautionary measure would not interfere with the validity of following the Hanafi position just discussed).

Menstruation and Postnatal Bleeding

2.27 Menstruation may begin after the age of nine. The minimal menstrual period is a day and a night. The maximum is 15 days. Postnatal bleeding (nifas) lasts at least a moment, and at most 60 days. If it lasts longer than the maximum, it is considered to be chronic vaginal discharge (dis: 2.28). The minimal interval of purity between two menstruations is 15 days. There is no maximal limit to the number of days between menstruations.

(R: Whenever a woman who is old enough notices her bleeding, even if pregnant, she must avoid what a woman in her period avoids (def: 2.30 (end)). If it ceases in less than 24 hours (lit. "the minimum"), then it is not considered menstruation, and the woman must make up the prayers she has omitted during it. If it ceases at 24 hours, within 15 days, or between the two, then it is menstruation. If it exceeds 15 days, then she is a woman with abnormal vaginal bleeding (dis: 2.28).

Yellow or dusky colored discharge is considered menstrual

flow (n: a woman's menstrual period is not legally considered over until she can insert a piece of white cotton in the vagina and it comes out white).

If a woman has times of intermittent bleeding and cessation during an interval of 15 days or less, and the times of bleeding collectively amount to at least 24 hours, then the entire interval, bleeding and nonbleeding, is considered menstruation.)

Chronic Annulment of Ablution

2.28 (n: "Chronic" here means that one cannot remain without annulling ablution long enough to perform both purification and the prayer.) (R: A woman with abnormal vaginal bleeding preparing to pray must wash her private parts, apply something absorbent to them (n: which must be completely inserted in the vagina without anything remaining outside) and a dressing (n: such as an external absorbent pad), and then perform ablution (n: intending "authorization to perform the prayer," not lifting ritual impurity as such). She may not delay commencing her prayer after this except for reasons of preparing to pray such as clothing her nakedness, awaiting the call to prayer (adhan), or for a group to gather for the prayer. If she delays for other reasons, she must repeat the purification.

She is obliged to wash her private parts, apply a dressing, and perform ablution (n: directly and without interruption) before each obligatory prayer (n: after that prayer's time has come), though she is entitled, like those mentioned below, to perform as many nonobligatory prayers as she wishes, carry and read the Qur'an, and so on, until the next prayer's time comes or until her ablution is broken for a different reason, when she must renew the above measures and her ablution.)

2.29 (R: People unable to hold back intermittent drops of urine coming from them must take the same measures that a woman with chronic vaginal discharge does. And likewise for anyone in a state of chronic annulment of ablution, such as continually breaking wind or emitting excrement or *madhy* (def: 2.18(end)),

though washing and applying an absorbent dressing are only obligatory when filth exits.

If a person knows that drops of urine will not stop until the time for the next prayer comes, he takes the above measures and performs the prayer at the first of its time.)

Actions Unlawful Without Ritual Purity

2.30 The following are unlawful for someone in a state of minor ritual impurity (hadath, def: 2.8):

(1) to perform the prayer;

(2) (R: to prostrate when reciting the Qur'an at verses in which it is sunna to do so;

(3) to prostrate out of thanks);

(4) to circumambulate the Kaaba;

(5) and to touch or carry a Qur'an.

The preceding are also unlawful for someone in a state of major ritual impurity (janaba, def: 2.17), as are:

(6) to recite the Qur'an;

(7) and to remain in a mosque.

During menstruation and postnatal bleeding, all of the above are unlawful, as well as:

(8) to take sexual enjoyment from what is between the navel and knees, until the purificatory bath (ghusl, def: 2.19) is performed;

(9) or to fast, until menstruation or postnatal bleeding ceases. (R: The obligatory fast-days she misses must be made up later, though not missed prayers.)

3

THE PRAYER (SALAT)

الصلاة

CONTENTS

The Times of the Prescribed Prayers

3.1 The prescribed prayers are five, which are obligatory for every Muslim who has reached the age of puberty and is sane:

(1) The time for the *noon prayer* (dhuhr) begins after the sun has reached its zenith (n: when an object's shadow begins to perceptibly grow), and ends when an object's shadow (R: minus the length of its shadow at the time of the sun's zenith) equals the object's height.

(2) The time for the *midafternoon prayer* ('asr) begins at the end of the noon prayer's time. The preferred time for its performance ends when an object's shadow (R: minus the length of its shadow at the time of the sun's zenith) is twice as long as the object's height, though the permissible time for it extends until the sun sets (n: it is offensive however to wait until the sun's light wanes to yellow).

(3) The time for the *sunset prayer* (maghrib) begins when the sun has completely set, and ends when the red disappears from the sky. (n: Shafi'is should note that most prayer calendars give the time of nightfall prayer ('isha) according to the Hanafi school, which is when the last vestige of twilight vanishes. This takes place well after the end of the Shafi'i time, which is generally about two-thirds of the time between sunset and the end of twilight, in many places no longer than fifty to seventy minutes after sunset. A Shafi'i should not delay his prayer longer than this, and cannot merely perform his sunset prayer a short while before the stated time for nightfall prayer given on calendars.)

(4) The time for the *nightfall prayer* ('isha) begins at the end of the sunset prayer's time. The preferred time for its performance ends when a third of the night has passed, though its permissible time extends until dawn.

(5) And the time for the *dawn prayer* (subh) begins at true dawn (R: *true dawn* being when the sky around the horizon begins to grow light. Before this, a dim light sometimes appears

overhead for some minutes, followed by darkness, and is termed the deceptive dawn (al-fajr al-kadhib)). The preferred time for its performance ends when the day grows light outside, though its permissible time extends until sunrise.

(R: It is best to pray every prayer at the first of its time, taking the necessary steps at its outset, such as purification, clothing one's nakedness, giving the call to prayer (adhan) and call to commence (iqama), and then praying.

If less than one *rak'a* (n: a full cycle of the prayer's words and actions) of the prayer occurs within the proper time (meaning that one does not lift one's head from the second prostration of the rak'a before the time ends, and the remainder takes place after it) then the whole prayer is considered a makeup. If one rak'a or more takes place within the prayer's time and the remainder is after it, then the prayer is considered a current performance, though it is unlawful to intentionally delay a prayer until not enough of its time remains for a minimal length performance of that prayer.)

(n: Prayer times vary a little each day with the season and the year, and from one town to another through the effects of latitude and longitude. One can keep oneself informed of the changes by obtaining the whole year's times in a printed calendar from one's local Muslim association or mosque, provided it has been empirically verified. Some have not been, and some are inaccurate. Perhaps even more useful for the traveller is any of several pocket computers now available that calculate times, such as the Prayer Minder, which is based on precise astronomical data, programmed for fifty years, and when given various cities' geographical coordinates supplied in the accompanying booklet, provides the prayer times of most major cities in the world. It is based on the sun's being eighteen degrees below the horizon, coinciding with the first light of dawn and the last light at night, a point technically termed "astronomical twilight."

In recent years, at least one writer and a major North American Islamic organization have challenged this figure and stated that *fifteen* degrees below the horizon is closer to the sun's actual

first and last visible light. The disparity between the two figures has resulted in prayer-time calendars for the same city that show an up to twenty minutes' difference on the same day between suggested times of dawn, with the obvious consequences this has for both the time of the prayer and the fast-days of Ramadan.

Aware that myriad city lights, even below the horizon, often make precise observation of the first of dawn and nightfall all but impossible, the translator travelled with other observers hundreds of kilometers into the Jordanian desert, far from human settlement, to try to empirically determine the truth about the matter. What they saw was that calculations based on the eighteen-degree figure were as precise as anything could be. That is, the observations cited by the above-mentioned writer, from England, America, India, and other heavily settled areas, do not match what may be actually seen where there are no lights. The upshot is that the older calendars based on eighteen degrees, giving the correct early time for dawn, should be relied upon, especially for fasting on the days of Ramadan; while the new calendars based on fifteen degrees, giving the later time, though adequate for dawn *prayer* because the time they suggest is well after the arrival of dawn, should preferably not be relied upon for fasting. Others have correctly observed that fifteen degrees does mark the entrance of the dawn that has "well spread across the horizons" (mustatil), and hence is legally valid to follow. Accordingly, it is probably religiously more precautionary (ahwat) to follow the eighteen-degree time for fasting Ramadan, but to pray the dawn prayer (subh) after the fifteen-degree time that comes a little later. Too, in northerly latitudes the fifteen-degree time provides a useful dispensation to pray the night vigil prayer (tahajjud) as late in the night as possible before dawn.)

(R: If one's location does not have one or more of the prayer times, such as nightfall (because of twilight all night), sunrise, etc., due to the extreme northerly latitude, then one should pray at the same time as the closest location that has the true times. For each degree of longitude that this closest city lies to the east of one's location, the prayer time of the city will arrive earlier

than at one's own position by four minutes, and one may wish to compensate for this error factor by the appropriate calculations, i.e. not praying simultaneously with that city's times, but rather after its time by four minutes for each degree of longitude it lies to the east, or before its time by four minutes for each degree of longitude it lies to the west, in addition to observing time zone differences, if it is in a different one.

For both the dawn prayer (subh) and the dawn that marks the beginning of fast-days of Ramadan, if there is sunset and sunrise at one's location but not true dawn because of the persistence of twilight all night, one copies the nearest city that has the true times in terms of the amount of time by which dawn in that city precedes sunrise there. Thus if dawn in this nearest city precedes sunrise by 90 minutes, one's own "dawn" occurs 90 minutes before the sunrise in one's own city. And similarly for the amount of time by which nightfall ('isha) follows the sunset prayer (maghrib).

Finally, if one finds one has been consistently mistaken about the time of a particular prayer, and performed it day after day in other than its time, one has only one prayer to make up (that of the last day), as each day is considered the makeup of the day before it (n: if one's mistake was praying before the time. If it was after, each prayer is already the makeup of that day).)

Making Up Missed Prayers

3.2 (R: When enough of a prayer's time has elapsed to have performed the prayer during it, and someone who has not yet prayed loses their reason, or their menstrual period begins, they are obligated to make up that missed prayer as soon as they are able (n: and in the Shafi'i school, a woman must make up the noon prayer (dhuhr) if her period ends in the time of midafternoon ('asr), and similarly the sunset prayer (maghrib) if her period ends in the time of nightfall ('isha), since each of the former of these is in principle performable in the time of the second, as, for example, had she been travelling).)

Whenever a prescribed prayer is missed for a valid reason (n: such as being asleep, or forgetting it), it is recommended to make it up immediately. If missed without a valid reason, it is obligatory to make it up immediately.)

Times When the Prayer Is Forbidden

3.3 (R: The rules below apply to prayers that are wholly supererogatory, i.e. which are not performed for any particular occasion or reason, and apply to prayers performed for a reason that will occur after the prayer, such as the two sunna rak'as before entering the state of pilgrim sanctity (ihram, def: 6.2(a)).)

One may not perform prayers that have no particular occasion or reason (R: i.e. the prayer is unlawful and invalid):

(1) from after the dawn prayer (subh) until the sun is well up (R: meaning when a distance equal to the sun's diameter appears between the sun and the horizon);

(2) from the time of the sun's zenith until it moves on;

(3) from after the midafternoon prayer ('asr) until sunset, and from when the afternoon sun yellows (n: i.e. noticeably wanes) until sunset;

(R: It is permissible at the above times to offer nonobligatory prayers that are performed for a particular (n: prior or concurrent) reason, such as the funeral prayer, greeting the mosque, or the two rak'as that are sunna after ablution (wudu); and is also permissible to make up missed prayers; though one may not perform the two rak'as that are sunna before entering the state of pilgrim sanctity (ihram, def: 6.2(a) (n: unless one intends combining within that prayer another sunna prayer that has a prior or concurrent reason, such as greeting the mosque at the ihram site, or the two rak'as that are sunna after ablution (wudu)).

It is not offensive to pray within the Meccan Sacred Precinct (Haram) at any time. Nor is it offensive to pray when the sun is at its zenith on Fridays, whether in the Sacred Precinct or else-

where.)

Sunna Prayers

3.4 It is sunna to perform the prayer (n: in a group): on the Two 'Eids (n: *'Eid al-Fitr* at the end of Ramadan, and *'Eid al-Adha* on 10 Dhul Hijja), when the sun or moon eclipse, and to ask for rain when there is a drought.

3.5 It is (n: of the confirmed) sunna (R: *confirmed* (mu'akkada) meaning those which the Prophet (Allah bless him and give him peace) did not omit whether travelling or at home) to perform:

(1) two rak'as before the dawn prayer (subh) (n: after dawn has come);

(2) two before and after the noon prayer (dhuhr);

(3) two after the sunset prayer (maghrib);

(4) two after the nightfall prayer ('isha);

(5) and *witr* (R: the minimal performance for *witr* is one rak'a, even if one omits the sunnas after the nightfall prayer ('isha). The optimal way is to perform eleven rak'as, and one should finish with Salams after every pair. The least considered optimal is three rak'as, and one separates them by finishing two times with Salams (i.e. by finishing two rak'as with Salams and the performing the final rak'a). It is recommended to recite al-A'la (Sura 87) in the first rak'a, al-Kafirun (Sura 109) in the second, and al-Ikhlas, al-Falaq, and al-Nas (Suras 112, 113, and 114) in the third. The best time for *witr* is just after the sunna rak'as that follow the nightfall prayer, unless one intends to offer the *night vigil prayer* (tahajjud; to rise at night after having slept, to pray some nonobligatory rak'as), in which case it is best to pray *witr* after the night vigil prayer).

It is also recommended to perform:

(6) two additional rak'as before the noon prayer and after it (n: making four before and four after);

(7) four rak'as before the midafternoon prayer;

(8) the midmorning prayer (duha) (R: which minimally consists of two rak'as, is optimally eight rak'as, and maximally twelve. One finishes each pair of rak'as with Salams);

(9) *tarawih* (R: which is twenty rak'as of group prayer on each night of Ramadan (i.e. as well as being sunna to pray *tarawih* alone, it is also sunna to pray it in a group). One finishes each pair of rak'as with Salams);

(10) and the night vigil prayer (tahajjud) (R: Supererogatory prayer at night is a confirmed sunna, even if one can only do a little. It is recommended to begin one's night vigil prayers with two brief rak'as, to have intended the night vigil prayer before going to sleep, and not to make a practice of more prayer than one can regularly perform without harm to oneself).

Performing the Prayer

3.6 (n:) The translator has added the following description (3.7–3.10) of the prayer as a framework in which to understand Nawawi's summary below at 3.11 of the elements that compose it. Words with specific technical senses have been given with cross-reference numbers to the paragraphs that describe them.

Before the Prayer

3.7 The preconditions for validly performing the prayer are:

(a) That if one is in a state of minor ritual impurity (hadath, def: 2.8), one perform ablution (wudu, 2.10); and if in a state of major ritual impurity (janaba, 2.17), or after menstruation or postnatal bleeding, one perform the purificatory bath (ghusl, 2.19). If one was previously in a state of purity, and uncertain as to whether something has happened to nullify it, then one is still considered to be in a state of purity.

(b) That one remove all filth (najasa, 2.3, 2.15) from one's body (n: including blood from the mouth and nose), clothes, and place of prayer, the latter meaning the area on the ground that is in actual contact with one's person when performing it (n: that

which is imperceptible to a normal glance because of the slightness of its amount is excusable, though not merely because of having dried or the like). If one is not absolutely sure that something is affected with filth (as when this is merely likely), then it is considered not to be, as the initial presumption for all things is purity.

(c) That one clothe one's nakedness (n: such as to conceal the color of the skin, on all sides except below). Men's clothing must at least cover the entire surface of the skin from the knees up to and including the navel. Women's clothing must at least cover the entire body, excepting the face (n: to the tip of the chin, below which must be covered) and hands alone. If anything else shows during the prayer, such as through a hole in the clothing, or the skin of a man's back from between his shirt and pants while prostrating, or a strand of a woman's hair from under her headcover, or part of her feet—the prayer must be repeated, unless one covered the exposed part immediately.

(d) That one know or believe a prayer's time (def: 3.1) has come (n: whether from one's own empirical observation or calculation, or the observation of another, though not merely from their calculation).

(e) That one face the direction of the Kaaba in Mecca. One may rely on a mosque that has been built in a city, whether by praying there without checking, or by taking its compass bearing and praying that direction whenever in the area; but one may not merely rely on another person's opinion without one's own personal conviction. To establish the direction of prayer in cities far from Mecca, one may use a world globe and a piece of string, since in North America and other regions, using a flat world map will yield the wrong direction because of the curvature of the earth. One puts the end of the string on the position of Mecca on the globe, the other end on one's own city, and pulls the string taut, observing the bearing of the string to see the proper direction to pray. (The validity in Sacred Law of this and all scientific means of determining the qibla is discussed in the

translator's *Port in a Storm* (9.44).)

Facing the direction of prayer is obligatory in all prescribed prayers. In nonobligatory prayers, if one is riding and is able to face the direction of prayer, to stand, bow, and prostrate, one must. If not able, one is only required to face the direction of prayer during the first Allahu Akbar of the prayer, if not difficult, though if difficult, one is not obliged to face the direction of prayer at any point of the prayer's performance, and one merely nods in the direction of travel instead of bowing and prostrating. One's nod for prostration must be deeper than the nod for bowing.

If unable to face the direction of prayer, stand, and so on for an obligatory prayer (meaning actually unable, not merely embarrassed or inconvenienced), one takes these same measures, and later makes up the prayer when able to properly perform it.

How to Perform the Prayer

3.8 The "works of the heart" are the soul of the prayer, without which its outward form would be but empty words and motions. One's sole aim should be Allah Himself, offering the worship that is due to Him out of love and thanks. Islamic scholars such as Imam Ghazali tell us that the rewards for spiritual works mentioned in Qur'an and hadith are for acts whose basis is such sincerity of intention, not when motivated by a sort of commercial avidness for spiritual gain. Allah Most High says:

> "Nor were they commanded, save to make their religion sincerely for Him" (Qur'an 98:5),

and

> "So whoever longs to meet his Lord, let him work righteousness, and not associate with his Lord's worship anyone" (Qur'an 18:110).

The prayer should also be performed with the humility and presence of mind befitting our relation to the nature of the Divine,

as Allah has commanded us to perform it upon the tongue of his Prophet (Allah bless him and give him peace), who said,

"Pray as you have seen me pray."

The prayer is described next, first in summary, then in detail.

3.9 The actions of the prayer are:

—Standing facing the direction of prayer, raising the hands, and saying *Allāhu akbar* (10.8) ("Allah is greatest").

—Folding the hands under the breast, reciting the Fatiha (first sura of the Qur'an) and then another sura or some other verses of the Qur'an, chosen at will.

—Bowing and placing the hands on the knees, one's back horizontal.

—Straightening back up to a standing position, raising the hands to shoulder height and then lowering them.

—Prostrating by kneeling, then bowing forward, placing the flat palms of the hands on the ground below the shoulders, and then forehead and nose on the ground.

—Sitting back.

—Prostrating a second time.

This constitutes a full *rak'a* or cycle of the prayer's actions, which is repeated varying numbers of times according to which prayer is being performed: two for dawn prayer (subh), four for noon (dhuhr), four for midafternoon ('asr), three for sunset (maghrib), and four for nightfall ('isha). At the end of the second rak'a, after prostrating the second time, one sits back and recites the Testification of Faith (Tashahhud), as also at the end of the last rak'a of prayers with more than two rak'as, when instead of rising for a new rak'a, one turns the head to the right and says *as-Salāmu 'alaykum* (10.9) ("Peace be upon you") to finish the prayer, and then turns to the left and says it again. The description below explains these steps in greater detail.

3.10 The steps of the prayer are performed as follows:

(1) One stands facing the direction of prayer, lifting the open hands to shoulder level, palms facing forward. One opens the prayer by saying *Allāhu akbar* (10.10) ("Allah is greatest"), intending performance of the particular obligatory prayer one is offering (e.g. "the dawn obligatory prayer").

The minimal audibility for pronouncing the opening Allahu Akbar, reciting the Qur'an, and all invocations (dhikr) is that one can hear them oneself under normal conditions.

It is obligatory to stand in all prescribed prayers for anyone who is able, though if one is unable to stand, meaning it is a severe hardship, or if one is performing a nonobligatory prayer, one may sit.

(2) After the opening Allahu Akbar, one places the hands between the chest and navel, grasping the left wrist with the right hand, and fixing one's gaze on the place where one's forehead will prostrate. It is offensive to close one's eyes while praying unless one finds it more conducive to awe and humility towards Allah.

(3) Then, in the first rak'a only, one is recommended to recite (dis: 3.10(1 (second par.))) the Opening Supplication (Istiftah), which is: *Wajjahtu wajhī li lladhī faṭara s-samāwāti wa l-arḍa ḥanīfan wa mā anā mina l-mushrikīn; inna ṣalātī wa nusukī wa maḥyāya wa mamātī li Llāhi Rabbi l-'Ālamīna lā sharīka lah, wa bi dhālika umirtu wa anā mina l-Muslimīn* (10.11) ("I turn my face to Him who created the heavens and earth, a pure monotheist, in submission, and am not of those who associate others with Him. My prayer, worship, life, and death are for Allah, Lord of the Worlds, who has no partner. Thus I have been commanded, and I am of those who submit").

(4) Then, in every rak'a, one is recommended to recite the Ta'awwudh, *A'ūdhu bi Llāhi mina sh-shayṭāni r-rajīm* (10.12) ("I take refuge in Allah from the accursed devil").

(5) Then, in every rak'a, whether praying alone or with

others, it is obligatory to recite the Fatiha (the opening sura of the Qur'an), which is: *Bismi Llāhi r-Raḥmāni r-Raḥīm; al-Ḥamdu li Llāhi Rabbi l-'Ālamīn; ar-Raḥmāni r-Raḥīm, Māliki Yawmi d-Dīn; Iyyāka na'budu wa iyyāka nasta'īn; Ihdina ṣ-ṣirāṭa l-mustaqīm; Ṣirāṭa lladhīna an'amta 'alayhim, ghayri l-maghḍūbi 'alayhim, wa la ḍ-ḍāllīn* (10.13) ("In the Name of Allah, Most Merciful and Compassionate. All praise be to Allah, Lord of the Worlds, Most Merciful and Compassionate; Lord of the Day of Reckoning; You alone we worship, in You alone we seek help; Guide us the straight way; The way of those You have blessed, not of those upon whom is wrath, or those who are lost" (Qur'an 1:1–7)) (though in a group prayer, one bows when the imam does, provided that there has not been enough time to complete one's own Fatiha, as when, for example, the imam recites too quickly, or one is a latecomer to the group prayer, though in the latter case, one should recite the Fatiha directly and omit (3) and (4) above. If one does not, then if one has not yet completed the Fatiha when the imam bows, one must wait to recite an additional amount of the Fatiha equal (in number of letters) to what one recited of (3) and (4)).

After the Fatiha, one says *Āmīn* (10.14) ("Answer our prayer").

(6) Then, in the first two rak'as only, if praying alone or leading others as imam in the prayer or praying behind an imam whose recitation is not audible to one, it is recommended to recite some of the Qur'an, which should at least be three verses, though it is superior to recite a whole sura, even if short. One may recite, for example, one of the three last suras of the Qur'an:

Al-Ikhlas (Sura 112): *Bismi Llāhi r-Raḥmāni r-Raḥīm; Qul Huwa Llāhu Aḥad, Allāhu ṣ-Ṣamad. Lam yalid, wa lam yūlad, wa lam yakul-lahū kufuwan aḥad* (10.15) ("In the Name of Allah, Most Merciful and Compassionate; Say: 'He is Allah, One. Allah, the Ultimate. He has not begotten, nor was He begotten, and no one is equal to Him'").

Al-Falaq (Sura 113): *Bismi Llāhi r-Raḥmāni r-Raḥīm; Qul a'ūdhu bi Rabbi l-Falaq, min sharri mā khalaq, wa min sharri ghāsiqin idhā waqab, wa min sharri n-naffāthāti fi l-'uqad, wa min sharri ḥāsidin idhā ḥasad* (10.16) ("In the Name of Allah, Most Merciful and Compassionate; Say: 'I take refuge in the Lord of the Dawn, from the evil of what He has created, from the evil of the night when it comes, from the evil of the women who blow on knots, and from the evil of the envier when he envies.'")

Al-Nas (Sura 114): *Bismi Llāhi r-Raḥmāni r-Raḥīm; Qul a'ūdhu bi Rabbi n-Nās, Maliki n-Nās, Ilāhi n-Nās, min sharri l-waswāsi l-khannās, alladhī yuwaswisu fī ṣudūri n-nās, mina l-jinnati wa n-nās* (10.17) ("In the Name of Allah, Most Merciful and Compassionate; Say: 'I take refuge in the Lord of men, King of men, God of men, from the evil of the slinking whisperer, who whispers in the breasts of men, of jinn and men.'")

The Fatiha and sura are only recited aloud, when praying alone or leading others as imam, in the dawn prayer (subh) and the first two rak'as of the sunset (maghrib) and nightfall ('isha) prayers; as well as in the Friday (jumu'a), 'Eid, drought, lunar eclipse, and *tarawih* group prayers.

When following an imam, performing other nonobligatory prayers, or the noon (dhuhr) or midafternoon ('asr) prayers, the Fatiha and sura are recited to oneself (n: i.e. so that they are audible to oneself but not to those beside one). One omits the sura when the imam's is audible.

(7) Then one bows from the waist, obligatorily. The minimum is to bow as far as an average size person needs to when he wants to put his hands on his knees.

It is obligatory that one *repose* therein (as in all physical postures of the prayer), minimally meaning to remain motionless for a moment after having reached the position.

The optimal way is to raise one's hands and say *Allāhu akbar* so that one begins raising the hands as one starts saying it, and when the hands are at shoulder level, one bows.

Whenever one says *Allāhu akbar* during a movement from one prayer posture to another (as is recommended at every change of posture except straightening up from bowing), it is recommended to prolong the words until one reaches the next posture.

Then one puts the hands on the knees, fingers apart, back and neck extended, legs straight, and elbows out (though women keep them close); saying, *Subḥāna Rabbiya l-'Aḍhīm* (10.18) ("My Lord Most Great is exalted above any limitation"), three times.

(8) Then one straightens back up, returning to standing as one was before bowing, hands at one's side, and remaining motionless in the upright position for at least a moment.

It is optimal to raise the hands (lifting them from the knees as one starts straightening up, raising them to shoulder level) and the head together, saying *Sami'a Llāhu li man ḥamidah* (10.19) ("Allah hears him who praises Him"), and when one reaches the upright position, *Rabbanā laka l-ḥamd* (10.20) ("Our Lord, Yours is the praise"), and one may complete it: *mil'a s-samāwāti wa mil'a l-arḍi wa mil'a mā shi'ta min shay'in ba'd* (10.21) ("heavensful, earthful, and whatever-else-You-will-ful").

(9) Then one prostrates, putting the knees down first, then the hands, then the forehead on the place of prayer. It is obligatory that one remain motionless therein at least a moment, that the place bear the weight of the head, that one's rear be higher than the head, that one not place the head on something joined to one's person such as a sleeve or turban, and that part of each knee, part of the bottom of the toes of the feet, and part of the inside of the hands be placed on the ground.

The forehead is the only part that must be uncovered in prostration. It is not obligatory that the nose touch the ground in prostration, but it is desirable.

The optimal way is to say *Allāhu akbar,* to put the knees down first, then hands, then the forehead and nose. One prostrates with the hands directly under the shoulders, elbows raised (it is offensive for the forearms or elbows to touch the ground), fingers

together and extended toward the direction of prayer. Men keep about one span (about 23 centimeters) between their two knees and two feet, though a woman's knees are kept together, and men keep the stomach apart from the thighs and forearms from sides, though women keep them together. One says while prostrating, *Subḥāna Rabbiyya l-A'lā* (10.22) ("My Lord Most High is exalted above all limitation") three times.

(10) Then one raises the head and sits back on the heels, remaining motionless therein for a moment before prostrating a second time.

The optimal way is to say *Allāhu akbar* as one sits up; to sit in *iftirash,* which is to sit back with the heel of one's right foot, upright and resting on the bottom of its toes, beside one's rear, while the left foot is on its side, toes pointed toward the right; to place one's two hands on the thighs near the knees, fingers extended and held together; and to say, *Allāhumma ghfir lī wa rḥamnī wa 'āfinī wa jburnī wa hdinī wa rzuqnī* (10.23) ("O Allah, forgive me, have mercy on me, pardon me, set me right, guide me, and sustain me").

Then one prostrates again just as before. The first rak'a is only completed when one has performed the second prostration, because each prostration is a separate integral, as is the moment of motionlessness in each.

(11) After this one raises the head, saying *Allāhu akbar* as one first raises it, drawing out the words until one is standing upright.

It is sunna, here and in each rak'a that is not followed by the Testification of Faith (Tashahhud), to briefly rest in the *iftirash* style of sitting before rising. Then one rises, helping oneself up with both hands, palms down, and prolonging the Allahu Akbar until standing.

(12) Then one performs the second rak'a of the prayer just like the first, except for the initial intention, the opening Allahu Akbar, and Opening Supplication (Istiftah), which are omitted.

(13) If one's prayer exceeds two rak'as, one sits in *iftirash*

after the first two rak'as and recites the Testification of Faith (Tashahhud, (15) below) and the Blessings on the Prophet (Allah bless him and give him peace), though not upon his family (which is done only in the final Testification of Faith at the end of the prayer).

Then one rises, saying *Allāhu akbar* and leaning on one's hands as before (at the end of (11) above). When standing, one lifts the hands to shoulder level (which one does here, but not after rising from the first or third rak'a), and then goes on to perform the remainder of the prayer as one did the second rak'a, except that one recites the Fatiha to oneself and does not recite a sura after it.

(14) One sits back after the second prostration of the last rak'a of the prayer for the Testification of Faith in the *tawarruk* style of sitting, with one's left posterior on the ground and left foot on its outer side, emerging from under the right, which is vertical.

However one sits here, in the final Testification of Faith (Tashahhud), and in the previous one, as well as between the two prostrations and before risings, is permissible, though *iftirash* and *tawarruk* are sunna.

In the two Testifications of Faith, one's left hand rests on the left thigh near the knee, its fingers extended and held together. The right hand is similarly placed, but is held closed with its thumb under the base of the index finger, which alone is left extended. One lifts the index finger and points with it when one says the words *illa Llāh.* (One does not move it while it is thus raised, following the sunna from a hadith related by Abu Dawud. It is offensive to move it here, though some hold that it is recommended, the evidence for which is also from the sunna, in a hadith related by Bayhaqi, who states that both hadiths are rigorously authenticated (sahih). Bayhaqi says that the meaning of *moving it* in the latter hadith is simply *raising* it, so there is no actual contradiction.)

(15) The Testification of Faith (Tashahhud) is to say: *At-taḥiyyātu l-mubārakātu ṣ-ṣalawātu ṭ-ṭayyibātu li Llāh, as-salāmu 'alayka ayyuha n-Nabiyyu wa raḥmatu Llāhi wa barakātuh, as-salāmu 'alaynā wa 'alā 'ibādi Llāhi ṣ-ṣāliḥīn, ash-hadu al-lā ilāha illa Llāh, wa ash-hadu anna Muḥammadar rasūlu Llāh* (10.24) ("Greetings, blessings, and the best of prayers to Allah. Peace be upon you, O Prophet, and the mercy of Allah and His blessings. Peace be upon us and upon Allah's righteous slaves. I testify there is no god except Allah, and that Muhammad is the Messenger of Allah").

(16) One then says the Blessings on the Prophet (Allah bless him and give him peace).

If in the first Testification of Faith of the prayer (at the end of the second rak'a of prayers that have more than two rak'as) one says, *Allāhumma ṣalli 'alā Sayyidinā Muḥammad* (10.25) ("O Allah, bless our liegelord Muhammad").

But if one is in the final Testification of Faith of the prayer (at the end of the last rak'a), one optimally says, instead of the above minimum: *Allāhumma ṣalli 'alā Sayyidinā Muḥammadin wa 'alā āli Sayyidinā Muḥammadin kamā ṣallayta 'alā Sayyidinā Ibrāhīma wa 'alā āli Sayyidinā Ibrāhīm(a), wa bārik 'alā Sayyidinā Muḥammadin wa 'alā āli Sayyidinā Muḥammadin kamā bārakta 'alā Sayyidinā Ibrāhīma wa 'alā āli Sayyidinā Ibrāhīma fi l-'ālamīn(a), innaka ḥamīdun majīd* (10.26) ("O Allah, bless our liegelord Muhammad and the Folk of our liegelord Muhammad as You blessed our liegelord Abraham and the Folk of our liegelord Abraham. O Allah, show grace to our liegelord Muhammad and the Folk of our liegelord Muhammad as You did to our liegelord Abraham and the Folk of our liegelord Abraham in the worlds, for You are truly all-praiseworthy and majestic").

(17) One closes the prayer with Salams, turning one's head to the right and saying, *As-Salāmu 'alaykum wa raḥmatu Llāh* (10.27) ("Peace be upon you and the mercy of Allah"), intending finishing the prayer, and then turning to the left and saying

it again.

The Integrals of Prayer

3.11 The integrals (def: 2.10) of the prayer are:

(a) the intention (def: 3.10(1));

(b) standing;

(c) the opening Allahu Akbar (which must be pronounced, like all spoken integrals ((c), (d), (i), and (j)), correctly and without lengthy pause in between);

(d) reciting the Fatiha ((5) above), of which *Bismi Llāhi r-Raḥmāni r-Raḥīm* (10.28) ("In the Name of Allah, Most Merciful and Compassionate") is a verse;

(e) bowing ((7) above);

(f) straightening back up (8);

(g) prostrating twice (9), sitting back (10) between them;

(h) reposing ((7), second par.) a moment in each position;

(i) the final Testification of Faith (14), sitting therein, and the Blessings on the Prophet (Allah bless him and give him peace) after it (16);

(j) the first of the two Salams which end the prayer;

(k) and the correct order of the above.

Someone unable to stand (def: 3.7(e(third par.))) for the prescribed prayer may perform it sitting, and someone unable to even sit may perform it laying on his side.

The Main Sunnas of Prayer

3.12 The *main sunnas* of the prayer (R: meaning those which if omitted call for a *forgetfulness prostration* (def: 3.16)) are:

(a) the first Testification of Faith (def: (15) above) (R: in prayers that have two);

(b) (R: sitting during it);

(c) the Blessings on the Prophet (16) after it;

(d) (R: the blessings on his Folk in the prayer's final Testification of Faith ((16), last par.);

(e) the supplication (qunut) made while standing after bowing in the final rak'a of the dawn prayer (subh) and in the final rak'a of the *witr* prayer in the second half of the month of Ramadan. (R: It is sunna to lift one's hands and supplicate after straightening up from bowing. One says: *Allāhumma hdinā fī man hadayt(a), wa 'āfinā fī man 'āfayt(a), wa tawallanā fī man tawallayt(a), wa bārik lanā fī mā a'ṭayt(a), wa qinā sharra mā qaḍayt(a)* [here one turns the palms down for a moment]; *fa innaka taqḍī wa lā yuqḍā 'alayk(a), wa innahu lā yadhillu man wālayt(a), wa lā ya'izzu man 'ādayt. Tabārakta Rabbanā wa ta'ālayt* (10.29) ("O Allah, guide us among those You guide, grant us health and pardon among those You grant health and pardon, look after us among those You look after, grant us grace in what You have given us, and protect us from the evil of what You have ordained [turning the palms down for a moment]; for You decree and none decrees against You, none is abased whom You befriend, and none is exalted whom You are at enmity with. O our Lord, who are above all things sacred and exalted") (which is optimal, though the minimum is any praise of Allah and supplication. One should also not omit the Blessings and Peace on the Prophet (Allah bless him and give him peace) and his Folk and Companions after this, omitting which also necessitates the forgetfulness prostration));

(f) (R: and standing during this supplication).

3.13 The other sunnas of the prayer (n: i.e. those whose omission does not entail a forgetfulness prostration) are:

(1) the call to prayer (adhan) and call to commence (iqama) before it;

(2) raising one's hands to shoulder level at the opening

Allahu Akbar, before bowing, when straightening up from bowing, and after standing up from the first Testification of Faith (Tashahhud);

(3) placing the right hand over the left (n: between one's navel and one's breast) when standing;

(4) the Opening Supplication (Istiftah, def: 3.10(3)), the Ta'awwudh (3.10(4)), *Āmīn* after having said the Fatiha, and a sura (3.10(6));

(5) reciting to oneself or aloud, according to the time of day (def: 3.10(6), end), though a woman does not recite aloud in the presence of a man;

(6) saying *Allāhu akbar* in movements from one prayer posture to another (dis: 3.10(7), fourth par.)); saying *Sami'a Llāhu li man ḥamidah* ("Allah hears him who praises Him") when straightening up (3.10(8), second par.); and saying *Subḥāna Rabbiya* etc., when bowing (def: 3.10(7), end) and prostrating (3.10(9), end);

(7) placing the hands on the thighs in the Testification of Faith (Tashahhud), the fingers of the left extended and held together, the right closed with its thumb touching the side of the index finger, which alone is left extended;

(8) sitting in *iftirash* style (3.10(10)) between prostrations and for the first Testification of Faith (Tashahhud), and in *tawarruk* style (3.10(14)) in the last;

(9) saying Salams (3.10(17)) to the left after having closed the prayer by saying them to the right, and having the intention (n: in the first of them) of finishing the prayer;

(10) for men to keep their elbows out, and stomach off their thighs in prostration (R: though women keep them close).

The Conditions of Prayer

3.14 The conditions of the prayer are:

(a) that one be Muslim;

(b) that one be free of ritual impurity (def: 3.7(a)), and physical impurity in body, clothes, and place of prayer (3.7(b));

(c) that one clothe one's nakedness, meaning, for a man, what is between the navel and knees, and for a woman, everything besides her face and hands;

(d) knowing the prayer's time has come;

(e) facing the direction of prayer (3.7(e)), other than in the prayer of peril (3.23) or supererogatory prayer when travelling;

(f) that one avoid saying anything other than the words of the prayer, actions other than those of the prayer (n: such as three consecutive considerable movements), and things that break the fast (5.2(b));

(g) and that one's intention (n: of performing the prayer) not change (n: or vanish).

3.15 If something happens to one during the prayer (R: such as someone asking permission to enter, or having to remind the imam that he has forgotten something in his Qur'an recital) then if one is male, one says *Subḥān Allāh* (R: intending only invocation (dhikr) thereby, as one may not merely intend to inform, or lack any particular intention thereby, for these invalidate the prayer), or if female, one claps (R: the right palm on the back of the left hand, not palm to palm).

The prayer is invalidated by omitting an integral (def: 3.11) or condition (3.14).

The Forgetfulness Prostration

3.16 The forgetfulness prostration is sunna (n: not obligatory) and consists of two prostrations performed just before one's closing Salams (n: when one has done something that calls for it).

One performs it for unintentionally doing an uncalled-for action of the type which when done intentionally invalidates the prayer (n: such as a small amount of extraneous speech, or

adding a physical integral at the wrong point in the prayer) (R: provided it is not the type of action whose *unintentional* performance also invalidates the prayer, such as *much* (i.e. more than six words of) extraneous speech or action (i.e. more than two consecutive movements), since doing these would in any case invalidate the prayer, and obviate the need for a forgetfulness prostration).

One also performs it for omitting a main sunna (def: 3.12), though not for omitting other sunnas (def: 3.13).

If one remembers (n: missing) an integral (def: 3.11), one goes back to it, performs it, and what comes after it, provided the time was not long (n: meaning if one did not yet reach the same integral in the following rak'a, for in the latter case one simply continues, and the previous rak'a with the missing integral does not count, for if one misses an integral one must perform it, either by going back (if still in the same rak'a) or by performing an additional rak'a (if one has gone on to the subsequent rak'a before noticing the omission), in both cases prostrating for forgetfulness at the end of one's prayer).

If one is unsure one has performed (n: a particular physical integral, or) the prayer's full number of rak'as, one presumes that one has done the least number one is certain of, performs the rest, and then prostrates for forgetfulness before closing with Salams. (n: One makes the same presumption for a spoken integral, but does not prostrate for forgetfulness for it.)

Group Prayer

3.17 To perform the prayer in a group—other than the Friday prayer (n: which is personally obligatory)—is communally obligatory (def: 1.10(2)) and must be intended as a group prayer by the follower at it. The follower must not stand farther forward towards the qibla than his imam. He must know the imam is praying (n: that is, his prayer movements, whether by seeing or hearing him, hearing his amplified voice, or seeing a row of those praying behind him, for example). When not in a mosque, the follower must draw near to the imam, and there must not be

a barrier between them (n: that would prevent passing to him without turning one's back to the qibla, or prevent seeing him, though it is valid if at least one person in one's row can see him).

A boy may lead adults at prayer as imam (n: though it is offensive), though a woman may not lead men, or an unlettered person (n: "unlettered" meaning in this context someone who omits or mispronounces a letter or more of the Fatiha) lead someone who can recite (n: it correctly).

(R: The group prayer is valid:

(1) when the imam is performing a supererogatory prayer and the follower is performing a prescribed prayer, or vice versa;

(2) when the imam is performing the noon prayer (dhuhr) and the follower is praying the dawn prayer (subh) (i.e. when the type of prayer differs) or vice versa (n: though this is offensive);

(3) when the imam is praying while sitting and the follower is praying standing, or vice versa;

(4) when the imam is performing a makeup prayer and the follower is performing a current one, or vice versa.
But a person shortening his prayer because of travelling may not pray behind an imam who is performing the full number (n: i.e. if he prays behind such an imam, he too must pray the full number).)

Shortening or Joining Prayers for Travel or Rain

3.18 (R: The two travel dispensations of shortening and joining prayers have no effect on each other: one may take both together, either, or none. It is superior in our school not to take dispensations that are (n: merely) permissible (n: such as joining two prayers on a journey, as opposed to those that recommended, such as shortening prayers on one.)

It is permissible to shorten current prescribed prayers of four rak'as (R: noon (dhuhr), midafternoon ('asr), and nightfall ('isha)) to two rak'as each, provided:

(a) that one is on a journey of at least 16 *farsakhs* (R: approximately 81 km./ 50 mi. one way);

(b) that one is travelling for a reason that is not disobedience to Allah (R: as there is no dispensation to shorten prayers on such a trip) (n: or on trips undertaken for mere sightseeing or love of wandering, which, though not disobedience, do not permit taking dispensations);

(c) (R: that the destination is known (n: from the beginning of the journey, for otherwise, one may not shorten until having actually travelled the distance that permits shortening));

(d) (R: that the prayer takes place from start to finish while on the trip, for if one's vehicle arrives before the prayer is finished, one prays the full number);

(e) and that one intends shortening at the prayer's opening Allahu Akbar.

(R: One may also shorten the above prayers when one both misses them and makes them up on a trip, though one must pray the full number if one misses them while not travelling and makes them up on a trip, or misses them on a trip and makes them up while not travelling.

If one's city has walls, one may begin shortening prayers as soon as one has passed them, whether or not there are other buildings outside them. If there are no walls, one may shorten one's prayers after passing beyond the last buildings, excluding farms, orchards, and cemeteries. When the buildings of one city extend to the next city, one's journey begins at the first's city limits, or what people commonly acknowledge to be "the edge of town."

When the trip ends, one must pray the full number of rak'as for each prayer. A trip *ends* when one reaches one's hometown. It also ends: by the mere intention to stay in a place at least four full days, not counting the day (n: or night) one arrives or the day (n: or night) one departs (n: the four days (ninety-six hours) begin from sunset if one has arrived by day, and from dawn if

one has arrived by night); or by staying that long without the intention, so that after one has stayed four full days, not counting the days of arrival and departure, one prays the full number of rak'as, unless one is staying in a place in order to fulfill a purpose that one expects to accomplish and intends to leave as soon as one does. As long as this is the case, one may shorten one's prayers for up to eighteen days. If longer than this, one prays the full number.)

Joining Prayers

3.19 It is permissible to join the noon prayer (dhuhr) and midafternoon prayer ('asr) during the time of either of them (R: or the Friday prayer (jumu'a) and midafternoon prayer in the time of the Friday prayer), and permissible to similarly join the sunset prayer (maghrib) and nightfall prayer ('isha) during the time of either, when the conditions are met.

(R: The conditions for joining two prescribed prayers on a trip in the time of the first of them are:

(a) that the trip continue until one finishes both prayers;

(b) that the first of the two be prayed first;

(c) that the intention to join the two prayers occur before finishing the first, either coinciding with the opening Allahu Akbar, or occurring during the prayer;

(d) and that one not separate the two prayers by waiting between them, though a short interval, meaning one that could contain two rak'as of the briefest possible, is of no consequence.

If one has performed both prayers and the journey subsequently ends, whether in the time of the first prayer or the time of the second, they are and remain valid.

The necessary condition for joining two prayers in the time of the second of them (in addition to conditions 3.18(a,b,c,d)) is that one make the intention to do so before the end of the first prayer's time by an interval which could contain at least one rak'a (n: or according to the religiously more precautionary posi-

tion, the entire prayer). If one neglects this intention, one has sinned, and praying the first prayer during the second prayer's time is considered making it up.)

3.20 A nontraveller may join prayers, when it is raining, in the time of the first of them. (R: It is permissible for a nontraveller to pray the noon prayer (dhuhr) and the midafternoon prayer ('asr) at the time of the noon prayer (or the Friday prayer (jumu'a) and midafternoon prayer at the time of the Friday prayer), and to similarly pray the sunset prayer (maghrib) and nightfall prayer ('isha) at the time of the sunset prayer if:

(a) it is raining hard enough to wet one's clothing (and like rain in this is melted snow or hail);

(b) one is praying with a group in a mosque or other place of prayer;

(c) the mosque is far from one's door (n: *far* meaning it would ordinarily be described as such by someone talking about it);

(d) it is raining when the first prayer begins, when it ends, and when the second prayer begins;

(e) and conditions 3.19(b,c,d) exist.

If the rain stops after one finishes the two prayers or during the second one, both prayers are and remain valid.

It is not permissible to join two prayers in the time of the second of them because of rain.)

Other Reasons for Joining Prayers

3.21 (R: In the Shafi'i school, there are no valid reasons other than travel or rain for joining prayers, though others exist in the Hanbali school, as discussed in what follows.)

('Abd al-Rahman al-Jaziri:) The Hanbalis hold that the abovementioned joining between the noon prayer (dhuhr) and midafternoon prayer ('asr), or between the sunset prayer (maghrib) and nightfall prayer ('isha) is permissible, whether in the time of the first prayer of each of these two pairs, or in the time of the

second prayer of each of them, though it is superior not to join them . . .

It is a necessary condition for the permissibility of joining them that the person praying be:

(1) a traveller on a trip in which shortening prayers is permissible;

(2) a sick person for whom not to join prayers would pose a severe hardship *(n: this is also a valid position in the Shafi'i* school);

(3) . . . or someone who fears for himself, his property, or his reputation, or who fears harm in earning his living if he does not join prayers; the latter giving leeway to workers for whom it is impossible to leave their work.

(*al-Fiqh 'ala al-madhahib al-arba'a* (9.41), 1.487)

Praying Sunna Rak'as When Joining Prayers

3.22 (R: When one wants to join the midafternoon prayer ('asr) and noon prayer (dhuhr) in the time of the noon prayer, one first prays the sunnas that come before the noon prayer, followed by the noon prayer, the midafternoon prayer, the sunnas that come after the noon prayer, and then the sunnas that come before the midafternoon prayer.

Similarly, when one joins the nightfall prayer ('isha) with the sunset prayer (maghrib), one prays the sunnas that come before the sunset prayer, and postpones those that follow the sunset prayer until after one has prayed the nightfall prayer, after which one prays the sunnas that come before and after the nightfall prayer, and then *witr*. Their order is sunna.)

The Prayer of Peril

3.23 The prayer of peril (n: for conditions of combat) is of various kinds. If the enemy is in other than the direction of prayer (qibla), (R: the imam divides the Muslim force into two groups:) one group faces the enemy while the other prays a rak'a

behind the imam. (R: When the imam rises for the second rak'a, the group makes the intention to cease following his leadership in the prayer and then finishes their second rak'a alone as individuals while the imam remains standing at the beginning of his second rak'a, reciting the Qur'an and awaiting the second group. Then this first group goes to relieve the others in facing the enemy, and the others come and begin their group prayer behind the imam.) Then the imam leads the second group in a rak'a. Then (R: at the end of this rak'a, when the imam sits in the Testification of Faith (Tashahhud)) the group (R: rises and) performs their second rak'a without him, and (R: when they catch up with him) he closes the prayer with Salams.

If the enemy is in the direction of prayer, the imam arranges them in two rows, opens the group prayer with *Allāhu akbar* then prostrates together with one row (R: the row nearest him) while the other row remains (R: standing) on guard. When the imam and his row stand (R: after their second prostration), the other row performs its own prostrations and rises to catch up with the imam and his row (R: who have remained standing waiting for them).

In actual combat, Muslims may pray however they can (R: walking or riding, facing the direction of prayer (qibla) or not, in a group or individually (n: i.e. extraneous movement is excusable, though extraneous words are not), even nodding (R: in place of bowing and prostration when they are unable to perform them, nodding more deeply for prostration than for bowing) or riding.

The Friday Prayer (Jumu'a)

3.24 The Friday congregational prayer (jumu'a) consists of two rak'as and is obligatory for every free male Muslim who is legally responsible, not ill (n: or otherwise unable for a legally valid reason), and a resident.

The conditions for the validity of the Friday prayer are:

(a) that its site be located among the buildings of the commu-

nity;

(b) that it be performed as a group prayer with a minimum of forty participants for whom it is obligatory;

(c) that it take place in the time of the noon prayer (dhuhr): if its time finishes, they pray it as (n: a makeup of) the noon prayer;

(d) that two sermons (khutba) precede the prayer, in both of which it is obligatory for the speaker:

(1) to stand during, and sit (n: it being obligatory to sit between the two sermons, and sunna to do so during the call to prayer (adhan));

(2) (R: to say *al-Ḥamdu li Llāh* (10.30) ("Praise be to Allah"), this particular utterance (n: i.e. some form of praise) being prescribed);

(3) to say the Blessings on the Prophet (Allah bless him and give him peace) (n: who Shafi'i scholars say must be mentioned by name or title therein (as in 3.10 (16 (third par.))), not merely referred to by a pronoun by saying, "Allah bless *him* . . .");

(4) to enjoin godfearingness (taqwa) (R: for which a particular expression is not prescribed, it being sufficient to say "Obey Allah") (n: (2), (3), and (4) must be said in both sermons);

(5) to sit between the two sermons (n: as in (1) above);

(6) to recite one verse of the Qur'an (R: that conveys an intended meaning, such as promise, warning, exhortation, or similar) in at least one of the two sermons;

(7) and to supplicate for believers (R: male and female) in the second of the two sermons (R: which must be for their *hereafter*, as supplications for this world alone do not fulfill the integral). (n: (2), (3), (4), (6), and (7) must be in Arabic.)

(R: The following sermon (n: which is recited in Arabic) has been related by two chains of transmission, one ascribing it to Ibn Mas'ud, and the other through him to the Prophet (Allah bless him and give him peace):

Inna l-ḥamda li Llāh. Naḥmaduhū wa nasta'īnuhū wa nastaghfiruh. Wa na'ūdhu bi Llāhi min shurūri anfusinā wa min sayyi'āti a'mālinā. Man yahdihi Llāhu fa lā muḍilla lah(ū), wa man yuḍlil fa lā hādiya lah. Wa ash-hadu al-lā ilāha illa Llāhu waḥdahū lā sharīka lah, wa ash-hadu anna Muḥammadan 'abduhu wa rasūluh. Ṣalla Llāhu 'alayhi wa sallama wa 'alā ālihi wa aṣ-ḥābih. Yā ayyuha lladhīna āmanu ttaqu Llāha ḥaqqa tuqātihī wa lā tamūtunna illā wa antum Muslimūn (10.31) ("Praise is truly Allah's. We praise Him, seek His help, and ask His forgiveness. We seek refuge in Allah from the evils of our selves and our bad actions. Whomever Allah guides none can lead astray, and whomever He leads astray has no one to guide him. I testify that there is no god but Allah alone, without any partner, and that Muhammad is His slave and messenger. Allah bless him and give him peace, with his Folk and Companions. 'O you who believe: fear Allah as He should be feared, and do not die other than as Muslims'").

"Yā ayyuha n-nāsu ttaqū Rabbakumu lladhī khalaqakum min nafsin wāḥidatin wa khalaqa minhā zawjahā wa baththa minhumā rijālan kathīran wa nisā'ā. Wa ttaqu Llāha lladhī tasā'alūna bihī wa l-arḥām, inna Llāha kāna 'alaykum raqībā" (10.32) ("O people: fear your Lord who created you from one soul and created its mate from it, and spread forth from them many men and women. And be mindful of your duty to Allah, by whom you ask of one another, and to the wombs [that bore you], for verily, Allah is vigilant over you" (Qur'an 4:1)).

(n: This sermon, recited in Arabic, when one adds the full form of the Blessing on the Prophet (Allah bless him and give him peace) as in (3) above, fulfills conditions (2), (3), (4), and (6)—the rest of the sermon may be in any language—and after sitting briefly, one rises and says, *al-Ḥamdu li Llāh,* the Blessings on the Prophet (Allah bless him and give him peace), enjoins the people to fear Allah, and must add a supplication for the Muslims ((7) above), such as saying *Allāhumma ghfir li*

l-mu'minīna wa l-mu'mināt (10.33) ("O Allah, forgive the believers, men and women").

3.25 The sunnas of attending the Friday prayer are:

(1) to perform a purificatory bath (ghusl) before going;

(2) to clean oneself thoroughly (R: i.e. clean the teeth with a toothstick (siwak), trim the nails, remove bodily hair, and eliminate offensive odors);

(3) (n: for men) to wear perfume;

(4) to wear white;

(5) and during the sermon to listen carefully, and to keep the rak'as of greeting the mosque brief (n: which is obligatory if the imam has ascended the pulpit).

The Prayer on the Two 'Eids

3.26 The 'Eid prayer consists of two rak'as (n: performed anytime from when the sun is well up until noon on each of *'Eid al-Fitr* at the end of Ramadan and *'Eid al-Adha* on 10 Dhul Hijja). In addition to the opening Allahu Akbar in the first rak'a and the Allahu Akbar for rising from prostration in the second, it is sunna to say *Allāhu akbar* seven times in the first rak'a (R: after the Opening Supplication (Istiftah) and before saying "I take refuge, etc." (Ta'awwudh)) and five times in the second rak'a (R: before saying the Ta'awwudh.

One raises one's hands each time one says *Allāhu akbar*. One invokes Allah Most High to oneself between each Allahu Akbar, (n: saying: *Subḥāna Llāh, wa l-Ḥamdu li Llāh, wa lā ilāha illa Llāh, wa Llāhu akbar* (10.34) ("I glorify Allah's absolute perfection, All praise be to Allah, There is no god but Allah, Allah is ever greatest")) placing the right hand upon the left each time one says this supplication.

It is recommended to recite Qaf (Sura 50) in the first rak'a and al-Qamar (Sura 54) in the second. Or if one wishes one may recite al-A'la (Sura 87) in the first rak'a and al-Ghashiya (Sura 88) in the second. Or one may recite al-Kafirun (Sura 109)

in the first rak'a and al-Ikhlas (Sura 112) in the second.)

Then the imam gives two sermons (R: like those of the Friday prayer in integrals (n: though differing from it in (1) not being at the time of the noon prayer, and (2) that it is not obligatory for the imam to stand during them and sit between the sermons.))

It is sunna to recite *Allāhu akbar* (R: in mosques, homes, and the street, from sunset on) the night before each 'Eid until the imam commences the 'Eid prayer with the opening Allahu Akbar.

It is also sunna to recite *Allāhu akbar* after each prescribed prayer from dawn of the Day of 'Arafa (n: 9 Dhul Hijja) until the midafternoon prayer ('asr) on the last of the three days that follow 'Eid al-Adha. (R: One says: *Allāhu akbaru Llāhu akbaru Llāhu akbar, lā ilāha illa Llāh. Allāhu akbaru Llāhu akbar, wa li Llāhi l-ḥamd* ("Allah is greatest, Allah is greatest, Allah is greatest, there is no god but Allah. Allah is greatest, Allah is greatest, praise be to Allah"). It is commendable to add to this: *Wa Llāhu akbaru kabīrā(n), wa l-ḥamdu li Llāhi kathīrā(n), wa subḥāna Llāhi bukratan wa aṣīlā(n), lā ilāha illa Llāhu wa lā na'budu illā iyyāh(ū), mukhliṣīna lahu d-dīn(a), wa law kariha l-kāfirūn. Lā ilāha illa Llāhu waḥdah(ū), ṣadaqa wa'dah(ū), wa naṣara 'abdah(ū), wa a'azza jundah(ū), wa hazama l-aḥzāba waḥdah(ū), lā ilāha illa Llāhu wa Llāhu akbar* (10.35) ("Allah is ever greatest. Much praise be to Allah. Glory to Him morning and evening. There is no god but Allah. Him alone we worship, making our religion sincerely His, though the unbelievers be averse. There is no god but Allah alone. He fulfilled His promise, gave victory to His slave, strengthened His army, and vanquished the Confederates alone. There is no god but Allah. Allah is ever greatest").

The Eclipse Prayer

3.27 The eclipse prayer consists of two rak'as, in each of which one bows twice. (R: The minimum is to open with *Allāhu akbar*, recite the Fatiha, bow, straighten up, recite the Fatiha again, bow again, straighten up and remain motionless a

moment, prostrate, sit up, then prostrate again. This is one rak'a, comprising standing twice, reciting twice, and bowing twice. One then prays the second rak'a like the first. (n: It is superior, in addition to reciting the Opening Supplication (Istiftah) and Ta'awwudh for the first rak'a, and the Fatiha, to add Qur'an recital after each time one recites the Fatiha; preferably al-Baqara (Sura 2) for the first recital, Al 'Imran (Sura 3) for the second, (then, in the second rak'a:) al-Nisa' (Sura 4) for the third recital, and al-Ma'ida (Sura 5) for the fourth.)

It is sunna: (1) to prolong one's Qur'an recital and one's saying *Subḥāna Rabbiya* etc., while bowing and prostrating, (2) to recite aloud in a lunar eclipse, but to oneself in a solar eclipse, (3) and for the imam to give two sermons (R: like those of the Friday prayer, except that here the sermons follow the prayer, as opposed to those of the Friday prayer, which precede it).

The Drought Prayer

3.28 The drought prayer is like the prayer of the 'Eid. (R: When the land is parched or the water supply is cut off or diminished,) the imam orders the people to repent for their sins, restore what belongs to others, and to fast three days. Then on the fourth day (R: while still fasting) they all come out in their work clothes (R: accompanied by those of the women who do not have attractive figures, livestock, men and women advanced in years, infants, and small children) humbling themselves to Allah, and they pray (R: two rak'as like those of the 'Eid), and then the imam preaches (R: two sermons like those of the 'Eid, except that in place of each Allahu Akbar (n: i.e. nine times before the first sermon (khutba) and seven times before the second), the imam says: *Astaghfiru Llāha l-'Aḍhīma lladhī lā ilāha illā huwa l-Ḥayya l-Qayyūma wa atūbu ilayh* (10.36) ("I ask forgiveness of Allah Most Great, whom there is no god but He, the Living, the Ever Subsistent, and I repent unto Him.").)

The imam (R: during the sermons) frequently asks Allah's forgiveness (istighfar) and supplicates Allah (du'a).

The Funeral Prayer (Janaza)

3.29 Washing the deceased's body, shrouding him, praying over him, and burying him are a communal obligation (def: 1.10 (2)).

3.30 A Muslim martyred in battle fighting non-Muslims is not washed before burial or prayed over. A stillborn fetus is washed (R: before burial) if the miscarriage occurred after the time at which the spirit was breathed into it (R: four months in the womb (n: though if earlier than this, it is recommended only to bury it)), and is prayed over if it gave a cry (R: sneeze, or cough when it left the mother, or showed movement). (n: But after six months' gestation, it is treated as an adult regardless, in all matters connected with the funeral and burial.)

It is sunna to wash the deceased's body an odd number of times, using water infused with lote tree (*Rhamus spina christi*) leaves for the first washing, and with camphor for the last.

If male, it is sunna for the deceased to be wrapped in three (R: washed, not new, white) shrouds (R: without an ankle-length shirt or turban, each shroud covering the whole body). If the deceased is a woman, it is sunna that she be dressed in a wraparound, headcover, and a shift, and that she be wrapped in two shrouds (R: like those used for men).

The Prayer over the Dead

3.31 The obligation to pray over the deceased consists of saying an opening Allahu Akbar with the intention (R: to pray four Allahu Akbars over the particular deceased person as an obligatory act), then reciting the Fatiha, then saying an Allahu Akbar followed by the Blessings on the Prophet (n: like those of the prayer (def: 3.10(16(third par.))), then saying an Allahu Akbar followed by a supplication for the deceased (R: the minimum being (n: any supplication for the deceased, such as) *Allāhumma ghfir li hādha l-mayyit* (10.37) ("O Allah, forgive

this deceased")) then saying an Allahu Akbar followed by the prayer's closing Salams.

Burial

3·32 It is obligatory to bury the deceased on his side facing the direction of prayer (qibla). It is sunna that he be buried in a *lahd* (n: meaning a grave with a lengthwise hole dug into the side of (the bottom of) it that faces the qibla, in which the body lies), and that the top of the grave be levelled (R: 1 span, about 23 cm. above the ground), without building (R: a cupola or house) over it or whitening the grave with plaster.

Consoling the Next of Kin

3·33 It is recommended to console (R: all the relatives of the deceased, meaning to enjoin steadfastness and encourage it by mentioning the reward in the hereafter) for (R: approximately) three days after the burial. It is permissible for the bereaved to cry, though unlawful to lament in a raised voice or rend one's garments.

4

ZAKAT



CONTENTS

When Zakat Is Obligatory

4.1 Zakat is obligatory for every free Muslim (R: male, female, adult, or child):

(a) on camels, cattle, and sheep or goats, when one has possessed a *zakat-payable number* (nisab, def: 4.3–4) of them for a full lunar year and has been grazing them on unowned open range for the entire year (n: In regard to this latter condition, it is religiously more precautionary and of greater benefit to the poor to follow Imam Malik, who holds that zakat is obligatory whenever one has possessed a zakat-payable number of livestock for a year, whether or not they are work animals, and whether they have been grazed on open pasturage or fed with fodder for the entire year (*al-Sharh al-saghir 'ala Aqrab al-masalik ila madhhab al-Imam Malik* (9.13), 1.592));

(b) on gold and silver (R: or their monetary equivalents) other than jewelry that is for permissible use, and on trade goods, when one has possessed a zakat-payable amount (R: for one year (n: though for trade goods, as opposed to other wealth, the amount must merely exist at the beginning and end of the year, even if it diminishes to less that this during the year));

(c) and on staple food crops (according to the soundest position), as soon as one possesses a zakat-payable amount of grains and legumes (R: the staple types that people cultivate, dry, and store, such as wheat, barley, millet, rice, lentils, chickpeas, broad beans, grass peas, and Sana'i wheat), raw dates, and grapes (R: There is no zakat on fruit except for raw dates and grapes, the zakat on grapes being taken in raisins, and on dates, in cured dates. There is no zakat on vegetables—all of which rulings apply to the farmers who raise the crops. As for those who buy

agricultural produce with the intention to sell it, their produce is no longer considered as crops are, but is rather a type of trade goods, and the zakat on it must be paid accordingly).

Zakat on Livestock

4.2 The minimum number of camels on which zakat is payable is 5 . . . [untranslated].

4.3 The minimum number of cattle on which zakat is payable is 30 head, for which it is obligatory to give a yearling (R: meaning a male calf in its second year, though a female may take its place, being worth more). The zakat due on 40 head is a two-year-old female that has entered its third year (R: a male will not suffice. The zakat on 60 head is 2 yearling males. Zakat on additional numbers is figured in the same way: on 30 head, a yearling male, and on 40 head, a two-year-old female (according to which of the two alternatives accommodates the last 10 head (dis: 4.5))).

4.4 The minimum number of sheep or goats (n: the Arabic *ghanam* meaning both) on which zakat is payable is 40, on which it is obligatory to pay a *shah*, meaning either a one-year-old sheep (R: in its second year) or a two-year-old goat (R: in its third year). The zakat on 121 sheep or goats is two *shah*s, on 201 sheep or goats is three, (R: on 400 sheep or goats is 4,) and for every additional 100 the zakat is 1 *shah*.

4.5 (R: Numbers of camels, cattle, sheep or goats which are between zakat quantities (i.e. which number more than the last relevant zakat quantity but do not amount to the next highest one) are not counted, and no zakat is due on them.

New offspring of a zakat-payable quantity of livestock that are born during the year are counted for the zakat year their mothers are currently in, no matter whether their mothers survive or die. Thus, if one owned 40 sheep or goats which gave birth to 40 young before the year's end, but then the 40 mothers died, one's zakat on the offspring would be 1 *shah*.)

Zakat on Shared Property and Similar

4.6 Two people pay zakat jointly as a single person if:

(1) (R: they jointly own a zakat-payable amount of livestock or something else such as fruit, grain, money, or trade goods, as when two people inherit it;

(2) or when the property is not jointly owned, but) their property is mixed (R: as when each owner has, for example, 15 head of cattle of a herd amounting to the zakat minimum of 30) and they share the same place to bed them down, to gather them before grazing, to water or pasture them, and employ the same shepherd, share the same stud, and share the same place to milk them (R: or similar, such as having the same watchman (for orchards and fields), the same drying or threshing floor (for fruit or grain), the same store, or the same warehouse).

Zakat on Gold, Silver, and Other Money

4.7 The zakat-payable minimum for gold is 84.7 grams (R: on which 2.1175 grams (2.5 percent) is due), and for silver is 592.9 grams (R: on which 14.8225 grams (2.5 percent) is due. There is no zakat on less than this). The zakat due on both is 2.5 percent. Zakat is exacted proportionately (2.5 percent) on any amount over these minimums (R: whether the gold or silver is in coins, ingots, jewelry prepared for uses that are unlawful or offensive, or articles which are permanent acquisitions (n: i.e. intended as savings). There is no zakat on gold or silver jewelry that is for permissible use.)

An immediate zakat of 20 percent is due when one finds a gold or silver treasure (R: buried in pre-Islamic times or by non-Muslims, ancient or modern, if it amounts to the zakat minimum and the land is not owned. If such treasure is found on owned land, it belongs to the owner of the land).

Zakat on Crops

4.8 The minimal quantity on which zakat is payable for crops

is 609.84 kilograms of net dry weight (R: free of husks or chaff) on which 10 percent (R: of the net dried storage weight) is due if watered without effort (R: as by rain or the like), though if otherwise (R: such as land irrigated by sprinklers), 5 percent is due. (R: If 50 percent of the water came from each, for example, one would pay 7.5 percent of the crop as zakat, as this is the mean between the above two percentages.). Zakat is exacted pro-portionally (n: in the percentage appropriate to the method of watering the crop) on any amount over the minimums.

(R: After one has paid zakat once on a crop (n: if one is the farmer (dis: 4.1(end))), there is nothing further due on it (as there is no repetition of zakat on one's crops when they are in storage, unlike the repetition of it on money), even if it remains in one's possession for years.)

Zakat on Trade Goods

4.9 Trade goods are appraised at the end of the year in terms of the type of money they were purchased with, and if this reaches the zakat minimum (R: 592.9 grams of silver if bought with monetary currency or silver, and 84.7 grams of gold if bought with gold, these being reckoned according to the values of silver and gold existing during the year), one must pay a zakat of 2.5 percent on them.

(R: When the owner buys trade goods that cost (at least) the gold or silver zakat minimum, the year of the merchandise's possession is considered to have begun at the beginning of the gold or silver's zakat year, so that a merchant's zakat is figured yearly on his total business capital and goods.)

The Zakat of 'Eid al-Fitr

4.10 The zakat of 'Eid al-Fitr consists of 2.03 liters (R: of the main staple of the area in which it is given, of the kinds of crop on which zakat is payable (def: 4.1(c)). If the main staple is bread, as in many countries, only *wheat* may be given, and is what is meant by the expression *giving food* here and in all texts

below dealing with expiations. (The Hanafi school permits paying the poor the wheat's value in *money*, both here and for expiations.) It is permissible to give the best quality of the staple food of the area, but not to give less than the usual quality, such as by giving barley where wheat is the main staple), which must be paid by every Muslim, and (n: by that Muslim) for every person he is obliged to support (def: 8.8) (R: such as his wife and family (e.g. his young son, grandson, father, or mother) if they are Muslim and) if he has enough food (R: 2.03 liters per person above his own expenses and theirs) in excess of what he needs to feed himself (R: and those he is obliged to support, in excess of what he needs to clothe them, and in excess of his debts and housing expenses) on the day of the 'Eid and the ensuing night.

(R: It is permissible to give the zakat of 'Eid al-Fitr to deserving recipients anytime during Ramadan, though the best time is on the day of 'Eid al-Fitr before the prayer. It is not permissible to delay giving it until after the day of the 'Eid (that is, one may give it until sunset), and it is a sin to delay until after this, and one must make it up (by paying it late).)

Giving Zakat to Deserving Recipients

4.11 Zakat is distributed among eight categories of recipients, or those of them who are found. (R: It is permissible for the zakat giver to personally distribute his zakat to eligible recipients or to authorize an agent (wakil) to do so.) The eight categories are:

(1) The poor (R: meaning someone who:

(a) does not have enough to suffice himself (n: for the expenditures of one day), such as not having any wealth at all, or having some, but he is unable to earn any, and what he has is insufficient to sustain him to the end of his probable life expectancy if it were distributed over the probable amount of remaining time; *insufficient* meaning it is less than half of what he needs. If he requires ten dirhams a day, for example, but the amount he has

when divided by the time left in his probable life expectancy is four dirhams a day or less, not paying his food, clothing, housing, and whatever he cannot do without, to a degree suitable (n: i.e. it would be commonly acknowledged as such) to someone of his standing without extravagance or penury, then he is poor—all of which applies as well to the needs of those he must support (def: 8.8). A mechanic's tools or scholar's books are not sold or considered part of his money, since he needs them to earn his living);

(b) and is either:

—unable to earn his living by work suitable to him, such as a noble profession befitting him, given his health and social position, which inability is considered the same as not having any work. If such an individual were an important personage unaccustomed to earning a living by physical labor, he would be considered "poor." This also includes being able to do work suitable to one, but not finding anyone to employ one;

—or is able to earn his living, but to do so would keep him too busy to engage in attaining knowledge of Sacred Law (n: Nawawi notes, "If able to earn a living at work befitting him except that he is engaged in attaining knowledge of some subject in Sacred Law such that turning to earning a living would prevent the acquisition of this knowledge, then it is permissible for him to take zakat (dis: 8.9) because the attainment of knowledge is a communal obligation, though zakat is not lawful for someone able to earn a living who cannot acquire knowledge, even if he lives at a school (*al-Majmu'* (9.62), 6.190–91)).

But if one's religious devotions are what keeps one too busy to earn a living, one is not considered poor.)

(2) People short of money (R: meaning someone who has something to spend for his needs but not enough, as when he needs five dirhams, but he only has three or four. The considerations applicable to the poor person also apply to someone short of money; namely, that he is given zakat if he cannot earn a living by work befitting him, or if he can earn a living but

attainment of knowledge of Sacred Law prevents his doing so; though if he is able to earn a living but extra devotions prevent him from doing so, then he may not take zakat).

(3) Zakat workers (R: these include the person collecting it, the clerk recording what the owners give, the person who matches the payees to the recipients, and the one who distributes it to recipients.

The zakat workers receive an eighth of the zakat funds. If this amount is more than it would cost to hire someone to do their job, then they return the excess for distribution to the other categories of recipients. But if less than the cost of hiring someone, then enough is taken from the zakat funds to make up the difference. All of this applies only if the imam (caliph) is distributing the zakat and has not allotted a fee to the zakat workers from the Muslim common fund (bayt al-mal). If the property owner is distributing the zakat (or if the imam has allotted the workers a fee from the common fund) then the zakat funds are divided solely among the other categories of recipients).

(4) Those whose hearts are to be reconciled (R: so their certainty may increase, or if they are recent converts to Islam and are alienated from their kin. Those to be reconciled include the chief personages of a people (with weak Islamic intentions) whose Islam may be expected to improve, or whose (n: faith is strong, but whose) peers may be expected to enter Islam).

(5) Bondsmen who are purchasing their freedom from their owners (R: they are given enough to do so if they do not have the means).

(6) Those who have debts (R: and they are of three types:

(a) A person who incurs debts in order to settle trouble (between two people, parties, or tribes) involving bloodshed (as when there has been a killing but it is not known who the killer is, and trouble has arisen between the two sides), or to settle trouble concerning property (such as bearing the expense when trouble occurs over it), (n: or who has borrowed money to fulfill community interests such as building a mosque, though it is invalid

and impermissible to give or take zakat to build mosques initially, since "zakat" entails that someone who deserves it is actually given it, and it becomes his own property (tamlik)), is given zakat even if he is affluent.

(b) A person who incurs debts to support himself or his dependents is given zakat if he is poor, but not if affluent. If he incurs a debt for something lawful but spends it on something unlawful, and then repents (and is felt to be sincere in this, and the original reason is known to have been something lawful), then he is given zakat.

(c) And a third type, which (n: given persons X, Y, and Z) is when Z incurs a debt by guaranteeing to X that Y will pay X (n: what Y owes him). If Z finds that neither he nor Y can pay, then Z is given zakat (n: because he has gone into debt in order to guarantee Y's debt), even if the reason Z agreed to guarantee Y was not charity but was rather that Y would pay him back).

(7) Those engaged in Islamic military operations (R: for whom no salary has been allotted in the army roster, but who are volunteers for jihad without remuneration).

(8) And the traveller in need of money (R: meaning one who is passing among us (i.e. through a town in Muslim lands where zakat is collected), whose journey was not undertaken for the purpose of disobeying Allah (n: or other purpose that does not permit travel dispensations, such as mere sightseeing, or travelling for its own sake). If such a person is in need, he is given enough to cover his personal expenses and transportation, even if he has money back home).

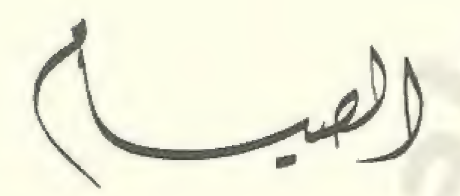
4.12 The least that fulfills the obligation of zakat is to give it to three individuals from each category (R: each category of recipients must receive an equal share, one eighth of the total, but one may give particular individuals within a category more or less) (n: though the most reliable fatwa position in the late Shafi'i school, like the Hanafis, is that it is valid for the zakat-giver to distribute his zakat to all of the categories, to some of

them, or to confine himself to just one of them)), except for zakat workers (n: who may number less than three, and) (R: who receive only their due wage (dis: 4.11 (3 (second par.))).

4.13 It is not permissible to give zakat to a non-Muslim; or to give from the share of the poor to anyone who has enough for his needs, whether through owning or being able to earn it (dis: 4.11(1(a,b))); or to give to anyone one is obliged to support (R: such as a wife or family member (def: 8.8)).

5

FASTING



CONTENTS

Fasting Ramadan

5.1 Fasting (R: Ramadan) is obligatory for every Muslim who is morally responsible (def: 1.1) (n: and is able to fast, not ill, and not travelling).

Conditions for a Valid Fast

5.2 Fasting is only valid:

(a) if one makes the intention (R: one must make the intention to fast for each day one fasts. If the intended fast is obligatory,

then the intention must be specific (as to the fast being for Ramadan, a vow, an expiation, or whatever), and be made in the night prior to dawn);

(b) and if nothing that breaks the fast occurs, including: leaving Islam; a woman's being in her period of menstruation or postnatal bleeding; deliberate vomiting; sexual intercourse; masturbation (R: whether by unlawful means, like one's own hand, or by lawful means, such as the hand of one's wife); a substance in an (R: open) passageway reaching a body cavity such as the stomach, inner ear, rectum, or bladder (R: *substance* excluding odors, and *open* excluding anything else, such as absorption through pores. The deliberate introduction of anything besides air or saliva into the body cavity breaks the fast, though if the person fasting does so absentmindedly or under compulsion, it does not break it) (n: saliva breaks the fast if it returns to the mouth after having left it, as when one moistens one's toothstick (siwak) with it and reintroduces it into the mouth).

5·3 (R: The following are not required to fast:

(1) a non-Muslim;

(2) a child;

(3) someone insane;

(4) or someone whom fasting exhausts because of advanced years or having an illness from which he is unlikely to recover.

None of the above-mentioned is obliged to fast or to make up missed fast-days, though someone who misses a fast because of (4) above must give 0.51 liters of food (def: 4.10) for each fast-day he misses.)

Making Up Fast Days Missed for an Excuse

5·4 (R: The following are not required to fast, though they are obliged to make up fast-days missed (*making up*, according to our school, meaning that one fasts a single day for each obligatory fast-day missed):

(1) those who are ill (the *illness* that permits not fasting being that which fasting would worsen, delay recovery from, or cause one considerable harm with; the same dispensation applying to someone who needs to take medicine during the day that breaks the fast and that he can not delay taking until night);

(2) those who are travelling (n: provided that the journey is at least 81 km./50 mi. one way, and that one leaves town before dawn);

(3) a person who has left Islam;

(4) or a woman who is in her menses or period of postnatal bleeding.

If the ill person or traveller takes it upon himself to fast, it is valid, though a fast by someone who has left Islam, or a woman in menstruation or period of postnatal bleeding is not valid.

A woman whose period ends during the daytime in Ramadan is recommended to fast the rest of the day and is obliged to make up the fast (and the fast-days prior to it missed during her period or postnatal bleeding).)

Sunnas of Fasting

5·5 The sunnas of fasting include delaying the predawn meal (R: to just before dawn, as long as one does not apprehend dawn's arrival while still eating, though when one does not know when dawn is, it is not the sunna to thus delay it); hastening breaking the fast (R: when one is certain the sun has set. One should break it with an odd number of dates, though if one has none, water is best); and avoiding ugly words (R: slander, lying and foul language, which are always unlawful, but even worse when fasting).

Days Unlawful to Fast

5·6 It is (R: unlawful and) invalid to fast on the two 'Eids or the three days following 'Eid al-Adha. It is also (R: unlawful and)

invalid to fast on a day of uncertainty (R: as to whether it is the first day of Ramadan, meaning that on 30 Sha'ban, someone who does not have the necessary qualifications of a witness mentions having seen the new moon of Ramadan), unless it falls on a day one habitually fasts (n: even if one only began the habit recently with a single previous time), or is connected with the previous days (R: Fasting on a day of uncertainty is not valid as a day of Ramadan, though it can validly fulfill a vow or a make-up fast. Voluntary fasting on such a day is only valid when one would have fasted anyway because it falls on a day one habitually fasts, or when one has been fasting each day since mid-Sha'ban (n: since otherwise, all days of Sha'ban thereafter would be unlawful to fast on). If neither of these is the case, then it is unlawful and invalid for one to fast on it.).

Vitiating the Fast by Sexual Intercourse

5·7 Whoever (R: deliberately) vitiates a fast-day (n: of Ramadan) by sexual intercourse must make up the fast, and expiate for it as one does for injurious comparison (zihar). (R: The expiation consists of freeing a sound Muslim bondsman, or if not possible, then fasting the days of two consecutive months. (In our school the expiation is only for sexual intercourse, though the Hanafis hold it is obligatory for vitiating the fast for other reasons as well.) If this is not possible, then the expiation is to feed sixty unfortunates (def: 4.11(1,2)) (0.51 liters of food (def: 4.10) to each unfortunate). If one is unable to do this, the expiation remains as an unperformed obligation upon the person concerned. The woman made love to is not obliged to expiate it.)

5·8 If someone (n: with a valid excuse) dies with unperformed fast-days which he could have made up but did not (n: or if he missed them without any excuse, regardless of whether he could have made them up or not), then each fast-day is paid for (R: by the responsible family member) with 0.51 liters of food (def: 4.10) (R: or he can fast for him in place of paying for each day.

As for someone who dies after two Ramadans elapse upon his missed fast-days, each fast is paid for with 1.02 liters (n: double the above) of food. Or the family member can both fast a day and pay 0.51 liters for each day (i.e. the family member may fast in the deceased's stead for the initial nonperformance of the fast-day, though he cannot fast in place of paying the 0.51 liters of food for each year that making up a fast-day was delayed before the deceased's death, because this is the legal expiation for delaying the fast)).

Valid Excuses from Fasting

5.9 It is permissible (def: 5.4) to omit fasting a day or more of Ramadan (n: and make it up later) if a person is ill, is travelling (R: provided that the journey is at least 81 km./50 mi. one way, and that the person leaves town before dawn), or is a woman who is pregnant or breast-feeding a baby and apprehends harm to herself (R: or her child), though if she omits it because of fear of harm for the child (R: alone, not for herself), then in addition to making up each day, she must give 0.51 liters of food (def: 4.10) in charity for each day missed, as an expiation.

Spiritual Retreat (I'tikaf)

5.10 Spiritual retreat in the mosque (i'tikaf) is a sunna (R: at any time), and is only valid by staying (R: for more than the least amount of time that can be considered *repose,* i.e. a moment) in a mosque with the intention of spiritual retreat. If one vows to make spiritual retreat for a consecutive period, the consecutiveness of such a period is nullified by lovemaking, though not by leaving (R: for something necessary such as eating (even when it is possible to do so in the mosque), drinking (provided it is not possible to do so in the mosque) (n: or)) to use the lavatory, or because of the onset of menstruation, or an illness with which remaining in the mosque presents a hardship.

6

THE PILGRIMAGE (HAJJ)



CONTENTS

Who Must Perform Hajj and 'Umra

6.1 (R: Both hajj (n: the pilgrimage to Mecca) and 'umra (n: the "lesser pilgrimage" (def: 6.3)) are obligatory, though neither is obligatory more than once in a person's lifetime unless one vows more than that.) Hajj (n: as well as 'umra) is only obligatory when one is a Muslim who is morally responsible (def: 1.1) and able to afford provisions and transportation (R: round trip, with money one has that is in excess of the amount one requires to

support the members of one's family (def: 8.8) and clothe them while one is travelling there and back, and to obtain lodgings for oneself; and that is in excess of any money one owes for debts), when the way is safe (R: for one's person and property from predators and enemies), and one is fit enough to travel (R: there without serious harm).

The Integrals of Hajj

6.2 The integrals of hajj (n: meaning those whose omission nullifies it) are:

(a) entering *ihram* (n: the state of consecration that pilgrims enter for hajj and 'umra) by making the intention (R: When one wishes to enter ihram, it is recommended (n: before doing so) (even for a woman in menstruation) to perform the purificatory bath (ghusl), intending bathing for ihram. If there is not much water, one merely performs ablution (wudu).

It is also recommended to shave pubic hair, pluck the underarms, clip the mustache, trim the nails, clean oneself of dirt, and wash the head.

Then, if male, one:

(1) sheds any garments that have sewing in them (taking them off being obligatory for ihram, which is incomplete if one does not remove them before entering it) (R: *sewn* meaning that which is (n: tailored) for wearing—not just any sewing, since a patched mantle or wraparound (n: or a hemmed edge) are permissible—and anything that encircles the body as sewn garments do, such as those seamed by being woven or felted together and the like (n: including snaps on a mantle that fasten it round one, though safety pins are permissible, as is a belt around one's wraparound. Also, men in ihram may not wear any form of hat or headcover, though one may carry an umbrella));

(2) puts on a clean white mantle (Ar. *rida'*, the rectangular piece of cloth worn over the shoulders that covers the upper body of a man in ihram) and wraparound (*izar*, the cloth worn around the lower body), and sandals that do not enclose the foot, but rather

reveal the toes and heels, as opposed to sandals that cover the toes, for wearing such sandals obliges one to slaughter (def: 6.6);

(3) and it is recommended to perfume the body, though not one's clothes.

The above measures (n: those mentioned before (1), (2), and (3) above) apply equally to women, although women do not divest themselves of sewn garments, a woman being obliged to cover all of her body except the face and hands, which, in ihram as well as in prayer, are not considered nakedness (n: it not being permitted for a woman to wear gloves or to veil her face in ihram) (R: if she wants to conceal it (n: the face) from people, she may drape something in front, provided it does not touch her face, such as a veil worn over a cap's visor, though if it touches it without her intention, it is of no consequence). But women may not use perfume.

All of the foregoing are done before entering ihram.

One then prays two rak'as, provided it is not a time when the prayer is forbidden (def: 3.3), intending the sunna of ihram. It is sunna to recite al-Kafirun (Sura 109) in the first rak'a, and al-Ikhlas (Sura 112) in the second. Then one rises to start travelling to Mecca (n: one's ihram having legally commenced at the moment one makes the intention to have entered it). As soon as one begins travelling to Mecca, one has entered ihram.

One intends in one's heart to perform the hajj for Allah Most High, if one wants to perform hajj; or to perform 'umra if one wants to; or both together if one wants to perform them simultaneously (qiran). It is recommended that one also pronounce this intention with the tongue);

(b) standing at 'Arafa (n: a plain about 21 kilometers to the east-southeast of Mecca) (R: at some point between the noon prayer (dhuhr) on 9 Dhul Hijja and dawn of the following day. It is sunna to remain at 'Arafa until sunset so as to include both night and day);

(c) circumambulating the Kaaba seven times (n: among the conditions for which are that one's nakedness (def: 3.7(c)) be

clothed, that one have ritual purity from minor (hadath) and major (janaba) impurity, that one's person be free of filth (najasa), that each round begin from the Black Stone, and that one pass by all of the stone with all of one's body, for if one begins from another part of the Kaaba, the round does not count until one reaches the stone, from whence it begins);

(d) going between Safa and Marwa (R: two hillocks connected by a course adjoining al-Masjid al-Haram) seven times (n: one must begin at Safa and finish at Marwa (R: from Safa to Marwa equals one, from Marwa to Safa is another one, and so on);

(e) and shaving (R: or shortening) the hair (R: men have their entire head shaved, which is optimal, though one may confine oneself to removing (by any means) three hairs thereof (i.e. of the head, not something else such as the beard or mustache), or may merely shorten it, for which the optimal is to clip a little less than two centimeters from all the hair. As for women, it is optimal for them to shorten their hair in the latter way, it being offensive for a woman to shave her head).

The Integrals of 'Umra

6.3 The above are also the integrals of 'umra, other than standing at 'Arafa (n: which is not an 'umra integral).

The Requisites (Wajibat) of Hajj

6.4 The requisites (wajibat, def: 6.6)) of the hajj are:

(a) that one enter ihram at the proper site (R: people going to hajj from the West by plane must enter ihram before boarding it, or during the flight before it passes the airspace that is even with the city of Rabigh on the west coast of the Arabian Peninsula, this generally being announced on the plane. Medina residents (or those travelling through Medina to Mecca) enter ihram at Dhul Hulayfa (n: often called Abar 'Ali). Residents of the Syria-Palestine region, Egypt, and North Africa enter ihram at al-Juhfa; residents of al-Tihama in Yemen enter ihram at

Yalamlam; residents of the Najd of Yemen and the Najd of the Hijaz enter ihram at Qarn; and residents of Iraq and Khurasan (n: the lands east of Iraq) enter ihram at Dhat 'Irq, preferably at al-'Aqiq. Someone at Mecca, even if merely passing through, enters ihram for hajj in Mecca, and for 'umra must go at least to the nearest place outside of the Sacred Precinct (Haram) (n: most people now find it convenient to go to the Mosque of 'A'isha, at al-Tan'im). Someone intending hajj, 'umra, or both, who passes the ihram site (intentionally, absentmindedly, or in ignorance of it) and enters ihram somewhere closer to Mecca, is obliged to slaughter (def: 6.6), though if he returns to the proper site and enters ihram there before having performed a single rite, he is no longer obliged to slaughter);

(b) stoning the stoning sites at Mina (n: i.e. the site of Jamrat al-'Aqaba on 'Eid al-Adha, and then stoning the three sites on the days after the 'Eid (Ayyam al-Tashriq). The conditions for the validity of stoning each site are: (R: that seven pebbles be used; that they be thrown one by one; that one's action may be termed *throwing*, not merely putting the pebbles into the throwing place; that what is thrown be some form of stone; that it be done with the hand; that one aim at the throwing place; that one be certain that the pebble reaches it, even if it falls out again, for if one doubts that the stone reached it, then that stone does not count; (the above seven conditions hold for both 'Eid al-Adha and for the days following the 'Eid, though the days following the 'Eid require two additional conditions:) that the stoning be done after the time for the noon prayer arrives; and that one stone the three sites in the proper sequence (n: i.e. Jamrat al-Kubra, which is the one nearest al-Khayf Mosque, then Jamrat al-Wusta, then Jamrat al-'Aqaba, which was previously stoned with seven pebbles on 'Eid al-Adha)));

(c) spending the night (n: both at Muzdelifa on the night before 'Eid al-Adha, and at Mina on the days following the 'Eid (Ayyam al-Tashriq) (R: the obligation to be present at Muzdelifa can be met by coming there, even for a brief moment, during the

second half of the night, for *spending the night* merely means to be present there during the second half of the night, not actually staying overnight, as opposed to spending the night at Mina, which must be for the greater part of the night);

(d) and performing the farewell circumambulation (n: just before one leaves Mecca, which is an obligation independent of the hajj.) (R: The integrals and conditions of the farewell circumambulation are the same as the obligatory circumambulation (def: 6.2(c))).

(R: In the Shafi'i school there is no difference between obligatory (fard) and requisite (wajib) except in the pilgrimage, where nonperformance of a requisite does not invalidate the pilgrimage, but necessitates an expiation (dis: 6.6) (n: and is a sin if done without excuse).)

The Sunnas of Hajj

6.5 The sunnas of hajj are:

(1) for one's hajj to precede one's 'umra (n: for that particular year);

(2) (n: for males) to wear a white mantle and wraparound (dis: 6.2(a(2)));

(3) to chant "Labbayk" (n: which is: *Labbayka Llāhumma labbayk, Labbayka lā sharīka laka labbayk, inna l-ḥamda wa n-ni'mata laka wa l-mulk, lā sharīka lak* (three times) (10.38) ("Ever at Your service, O Allah, ever at Your service. Ever at Your service, You have no partner, ever at Your service. Verily, all praise, blessings, and dominion are Yours. You have no partner")) (R: for the duration of one's ihram, whether standing, sitting, riding, walking, lying down, and even in a state of major ritual impurity (janaba), or for a woman in menstruation);

(4) to perform (n: when one arrives in Mecca) the arrival circumambulation (tawaf al-qudum) (n: like other circumambulations in number of rounds and other conditions (def: 6.2(c)))

(R: the arrival circumambulation is desirable for anyone who enters al-Masjid al-Haram, whether in ihram or not);

(5) and to pray two rak'as after circumambulation (n: behind the Station of Abraham (Maqam Ibrahim)) (R: if one prays there. Otherwise, one may perform the two rak'as (in order of superiority) in the Hijr of Isma'il, al-Masjid al-Haram, the Sacred Precinct (Haram), or whenever and wherever one wishes to pray them, and they remain a current performance (n: i.e. are not considered a make-up) until the day one dies).

Omitting a Requisite of Hajj

6.6 Leaving a requisite (wajib, def: 6.4) unperformed obliges one to slaughter a *shah* (def: 4.4) (R: distributing its meat to the poor and those short of money (4.11(1,2)) in the Sacred Precinct). If one is unable to (R: slaughter for lack of money while on the hajj, even if one has enough money back home), one fasts three days before 'Eid al-Adha and seven days after returning to one's country.

Missing Standing at 'Arafa

6.7 Someone who misses standing at 'Arafa (R: has missed the hajj, and) releases himself from ihram by performing the rites of 'umra (R: that is, by circumambulating, going between Safa and Marwa, and cutting his hair, and he is thus released from his ihram), and must make up the hajj (n: in a later year) and slaughter (n: or fast, as described in 6.6).

Someone prevented by others from (R: entering Mecca and) completing the integrals of hajj or 'umra after having entered ihram releases himself from ihram by intending release from it, shaving his head, and slaughtering a sacrifice animal (R: at the place he has been prevented).

Things Unlawful in Ihram

6.8 The things unlawful while in ihram include:

(1) sewn garments (R: on men) (def: 6.2(a(1)));

(2) men covering the head, or women the face (dis: 6.2(a(3(R:))) (n: or hands);

(3) applying oil to the hair (R: of the beard or scalp);

(4) (R: using perfume (n: or scented products, even soap);

(5) removing hair or nails;

(6) sexual foreplay;

(7) sexual intercourse;

(8) and hunting).

Committing these (n: any of (1) through (6) while in ihram) entails an expiation of (n: whichever alternative one wishes): (a) slaughtering a *shah* (n: as described in 6.6 above); (b) fasting three days (R: even if nonconsecutive, wherever one wishes); (c) or giving 1.015 liters of wheat to each of six of the poor (R: or those short of money at the Sacred Precinct (Haram)); (n: while (7) and (8) are mentioned next).

Vitiating the Hajj or 'Umra by Sexual Intercourse

6.9 If one intentionally has sexual intercourse (R: before finishing one's 'umra, or while on hajj) (n: i.e. before even *partial release* from the ihram of hajj, "partial" meaning that one has done two of the three hajj rites of stoning Jamrat al-'Aqaba at Mina, cutting the hair, and the going-forth circumambulation (tawaf al-ifada). Having intercourse between partial and *full release*—"full" meaning that one has done all three rites, rendering permissible everything that was unlawful during ihram —necessitates an expiation of one's choice between (1) slaughtering a sacrifice animal and distributing its meat, (2) fasting three days, or (3) giving 1.015 liters of wheat to each of six unfortunates at the Sacred Precinct, but does not entail the consequences detailed below) then:

(a) this nullifies the hajj or 'umra;

(b) it is nonetheless obligatory to complete (R: the hajj or 'umra from the point it was spoiled to the end);

(c) it is obligatory to make it up (R: as soon as possible, even if the spoiled hajj or 'umra was merely supererogatory;

(d) and it is obligatory to pay the expiation (def: below) for the male. If the woman was unwilling, none of the above ((a), (b), (c), or (d)) apply to her, though if willing, (a), (b), and (c) apply to her but not (d)).

The expiation is to slaughter (R: and distribute to the poor of the Sacred Precinct, immediately):

—a camel (R: but if this is not possible within the days of the hajj), then one must slaughter:

—a cow, but if not possible, then:

—seven *shahs* (def: 4.4), but if not possible, then:

—one estimates the cost of a camel and how much food (def: 4.10) this would buy, and then gives that much food (R: to the poor in Mecca) but if not possible, then:

—one fasts one day for every 0.51 liters of food that would have been given had the previous alternative been done (R: one may fast anywhere, but it is not permissible to delay it without an excuse).

The Expiation for Hunting

6.10 It is unlawful when in either ihram or the Sacred Precinct (Haram) to kill a game animal, and this necessitates an expiation of (R: any of the following):

(1) to slaughter a head of domestic livestock that is like the wild animal killed (R: *like* meaning an approximation, not actual resemblance. One expiates a game animal that was, for example, large, small, healthy, diseased, fat, thin, or defective, with a head of livestock of the same description, heeding the correspondences);

(2) to estimate the value of the like head of livestock, and

distribute an equal value of food (def: 4.10) to the poor;

(3) or to fast one day for every 0.51 liters of food that would have been bought had (2) been done.

7

SUFISM



CONTENTS

The Rules of the Sufi Way

7.1 The basic rules of the way of Sufism (def: 8.11) are five: (1) having godfearingness privately and publicly, (2) living according to the sunna in word and deed, (3) indifference to whether others accept or reject one, (4) satisfaction with Allah Most High in scarcity and plenty, and (5) turning to Allah in happiness or affliction.

(1) Godfearingness is attained by scrupulousness and uprightness;

(2) Following the sunna is attained through caution and good character;

(3) Indifference to others' acceptance or rejection is attained through patience and trust in Allah;

(4) Satisfaction with Allah is attained through contentment with what one has and submission to the will of Allah;

(5) Turning to Allah Most High is attained by gratitude to Him in happiness and taking refuge in Him in affliction.

The Foundations of the Rules

7.2 The foundations of all of these consist of five things: (1) high aspiration, (2) keeping Allah's reverence, (3) giving the best of service, (4) keeping one's spiritual resolves, and (5) esteeming Allah's blessings.

(1) Whoever's aspiration is high, his rank rises;

(2) Whoever reveres Allah, Allah maintains his respect;

(3) Whoever's service is goodly is necessarily shown generosity;

(4) Whoever keeps his spiritual resolves continues to have guidance;

(5) Whoever esteems Allah's blessings will be grateful for them, and whoever is grateful for them will necessarily see them increased.

The Signs of Sufism

7.3 The principles of Sufism's signs on a person are also five: (1) seeking Sacred Knowledge in order to perform Allah's command; (2) keeping the company of sheikhs and fellow disciples in order to see with insight; (3) forgoing both dispensations from religious obligations and figurative interpretations of scripture, for the sake of cautiousness; (4) organizing one's time with spiritual works to maintain presence of heart; and (5) suspecting the self in all matters, in order to free oneself from caprice and be safe from destruction.

(1) Seeking Sacred Knowledge is vitiated by keeping the company of juveniles, whether in age, mentality, or religion, who do not refer for guidance to a firm principle or rule;

(2) Keeping the company of sheikhs and disciples is vitiated by self-deception and concern with the unimportant;

(3) Leaving dispensations and figurative interpretations is vitiated by leniency toward the self;

(4) Organizing one's time with spiritual works is vitiated by looking for more and more supererogatory worship;

(5) Suspecting the self is vitiated by satisfaction at its goodliness and uprightness.

Curing the Ego

7.4 The principles of curing the ego are also five: (1) lightening the stomach by diminishing one's food and drink; (2) taking refuge in Allah Most High from the unforeseen when it befalls; (3) shunning situations involving what one fears to fall victim to; (4) continually asking Allah's forgiveness (istighfar) and His blessings upon the Prophet (Allah bless him and give him peace) night and day with full presence of mind; and (5) keeping the company of him who guides one to Allah (dis: 8.10).

Reaching Allah

7.5 One reaches Allah Most High (dis: 8.12) by (1) repenting from all things unlawful or offensive; (2) seeking Sacred Knowledge in the amount needed; (3) continually keeping on ritual purity; (4) performing the prescribed prayers at the first of their times in a group prayer (and praying the confirmed sunnas associated with them); (5) always performing eight rak'as of the nonobligatory midmorning prayer (al-duha), the six rak'as between the sunset (maghrib) and nightfall ('isha) prayers, the night vigil prayer (tahajjud) after having risen from sleeping, and the *witr* prayer (n: an odd-number of rak'as as one's last prayer before dawn); (6) fasting Mondays and Thursdays, and the "full moon [lit. "white"] days" (n: the thirteenth, fourteenth, and fifteenth of each lunar month), as well as the days of the year that are meritorious to fast; (7) reciting the Qur'an with presence of heart and reflecting on its meanings; (8) asking much for Allah's

forgiveness (istighfar); (9) always invoking the Blessings on the Prophet (Allah bless him and give him peace); and (10) persevering in the dhikrs that are sunna in the morning and evening.

These include:

(1) *Allāhumma bika nuṣbiḥu wa bika numsī wa bika naḥyā wa bika namūtu wa ilayka n-nushūr* (10.39) ("O Allah, through You we reach morning, through You we reach evening, through You we live, through You we die, and unto You is the resurrection") [saying this in the morning; and in the evening substituting *ilayka l-maṣīr* (10.40) ("unto You is the final becoming") for *ilayka n-nushūr* ("unto You is the resurrection")].

(2) *Aṣbaḥnā wa aṣbaḥa al-mulku li Llāhi wa l-ḥamdu li Llāhi wa l-kibriyā'u li Llāhi wa l-'aḍhamatu li Llāhi wa l-khalqu wa l-amru wa l-laylu wa n-nahāru wa mā sakana fīhimā li Llāh* (10.41) ("We have reached morning and the dominion is Allah's, the praise Allah's, the exaltedness Allah's, the immensity Allah's, the creation, the command, the night and day and all that dwells in them Allah's").

(3) *Allāhumma mā aṣbaḥa bī min ni'matin aw bi aḥadin min khalqika fa minka waḥdaka lā sharīka lak, fa laka l-ḥamdu wa laka sh-shukr* (three times) (10.42) ("O Allah, any blessing that has come to me or any of Your creation is from You alone, without partner, so Yours is the praise and Yours the thanks").

(4) *Allāhumma innī aṣbaḥtu ush-hiduka wa ush-hidu ḥamalata 'arshika wa malā'ikataka wa jamī'a khalqika annaka Anta Llāhu lā ilāha illā Anta waḥdaka lā sharīka lak, wa anna Muḥammadan 'abduka wa rasūluk* (four times) (10.43) ("O Allah, I hereby take You as my witness, with the bearers of Your Throne, Your angels, and all of Your creation, that there is no god but You alone, without partner, and that Muhammad is Your slave and messenger").

(5) *Raḍītu bi Llāhi Rabban wa bi l-Islāmi dīnan wa bi Sayyidinā Muḥammadin ṣalla Llāhu 'alayhi wa sallama nabiyyan wa rasūlā* (three times) (10.44) ("I accept Allah as

Lord, Islam as a religion, and our liegelord Muhammad (Allah bless him and give him peace) as prophet and messenger").

(6) *Āmana r-Rasūlu* . . . to the end of the sura (n: i.e. the last two verses of al-Baqara: *Āmana r-Rasūlu bimā unzila ilayhi mir-Rabbihī wa l-mu'minūn(a), Kullun āmana bi Llāhi wa malā'ikatihī wa kutubihī wa rusulih(ī), lā nufarriqu bayna aḥadin min rusulih(ī), wa qālū sami'nā wa aṭa'nā ghufrānaka Rabbanā wa ilayka l-maṣīr(u). Lā yukallifu Llāhu nafsan illā wus'ahā, lahā mā kasabat wa 'alayhā ma ktasabat, Rabbanā lā tu'ākhidhnā in nasīnā aw akhṭa'nā, Rabbanā wa lā taḥmil 'alaynā iṣran kamā ḥamaltahu 'ala lladhīna min qablinā, Rabbanā wa lā tuḥammilnā mā lā ṭāqata lanā bih(ī), wa 'fu 'annā wa ghfir lanā wa rḥamnā Anta mawlānā fa nṣurnā 'ala l-qawmi l-kāfirīn* (10.45) ("The Messenger believes in what has been revealed to him from his Lord, as do the believers; Each believes in Allah, His angels, His Books, and His messengers; We draw no distinction between any of His messengers; And they say: 'We hear and obey; Your forgiveness, Our Lord, to You is the becoming.' Allah does not charge any soul except its strength: what it earns is for it, and what it commits, against it. O Lord, do not take us to task if we forget or make mistakes; O Lord, do not burden us with hardship as You did those before us; And do not laden us with what we have no strength to bear; but pardon us, and forgive us, and show us mercy; You are our Master, so give us victory over the unbelieving folk" (Qur'an 2:285–86)).

(7) *Fa in tawallaw fa qul ḥasbiya Llāhu lā ilāha illā Huwa 'alayhi tawakkaltu wa Huwa Rabbu l-'Arshi l-'Aḍhīm* (seven times) (10.46) ("So if they turn away, say: 'Allah is enough for me, there is no god but He, on Him I rely, and He is the Lord of the Mighty Throne" (Qur'an 9:129)).

(8) *Fa ṣubḥāna Llāhi ḥīna tumsūna wa ḥīna tuṣbiḥūn. Wa lahu l-ḥamdu fi s-samāwāti wa l-arḍi wa 'ashiyyan wa ḥīna tuḍh-hirūn. Yukhriju l-ḥayya min al-mayyiti wa yukhriju l-mayyita min al-ḥayyi wa yuḥyi l-arḍa ba'da mawtihā wa*

kadhālika tukhrajūn (10.47) ("So glory be to Allah, when you reach evening and when you reach morning. And His is the praise in the heavens and earth, and at the coming of night, and when you reach noon. He brings forth the living from the dead, and brings forth the dead from the living, and gives life to the earth after it is dead; thus shall you too be brought forth" (Qur'an 30:17–19)).

(9) Ya Sin (Sura 36).

(10) *A'ūdhu bi Llāhi s-Samī'i l-'Alīmi min ash-shayṭāni r-rajīm* (three times) (10.48) ("I take refuge in Allah, the All-Hearing, the All-Knowing, from the accursed devil").

(11) *Law anzalnā hādha l-Qur'āna* . . . to the end of the sura (n: i.e. the last four verses of al-Hashr: *Law anzalnā hādhā l-Qur'āna 'alā jabali l-la ra'aytahu khāshi'an mutaṣaddi'an min khashyati Llāh(i), wa tilka l-amthālu naḍribuhā li n-nāsi la'allahum yatafakkarūn(a). Huwa Llāhu lladhī lā ilāha illā Huwa 'Ālimu l-Ghaybi wa sh-Shahādati Huwa r-Raḥmānu r-Raḥīm(u). Huwa Llāhu lladhī lā ilāha illā Huwa l-Maliku l-Quddūsu s-Salāmu l-Mu'minu l-Muhayminu l-'Azīzu l-Jabbāru l-Mutakabbir(u), subḥāna Llāhi 'ammā yushrikūn(a). Huwa Llāhu l-Khāliqu l-Bāri'u l-Musawwiru lahu l-asmā'u l-ḥusnā, yusabbiḥu lahū mā fi s-samāwāti wa l-arḍi wa Huwa l-'Azīzu l-Ḥakīm* (10.49) ("Had We sent this Qur'an down upon a mountain you would have seen it humbled, split asunder for fear of Allah. And those similes, We strike them for men, that haply they may reflect. He is Allah besides whom there is no other god; the Knower of the Unseen and the Visible—He is the Most Merciful and Compassionate. He is Allah besides whom there is no other god; The King, the All-Sanctified, the All-Peaceful, the All-Faithful, the Guardian, the Invincible, the Overmastering, the Exalted. Extolled be Allah's glory above what they associate! He is Allah, the Creator, the Originator, the Former. To Him belong the most beautiful names. All that is in the heavens and earth extols His glory; and He is the Invincible, the All-Wise" (Qur'an 59:21–24)).

(12) Al-Ikhlas, al-Falaq, and al-Nas (Suras 112, 113, and 114 [n: the texts of which are given above at 3.10(6)]) (three times).

(13) *Bismi Llāhi lladhī lā yaḍurru ma'a Smihī shay'un fi l-arḍi wa lā fi s-samā'i wa Huwa s-Samī'u l-'Alīm* (three times) (10.50) ("In the Name of Allah, with whose Name nothing is harmed in the earth or sky, and He is All-Hearing, All-Knowing").

(14) *A'ūdhu bi kalimāti Llāhi t-tāmmāti min ghaḍabihī wa 'iqābihī wa sharri 'ibādihī wa min hamazāti sh-shayāṭīna wa an yaḥḍurūn* (three times) (10.51) ("I take refuge in the perfect words of Allah, from His wrath, His punishment, the evil of His servants, and from the whispering of devils, and lest they come to me").

(15) *Astaghfiru Llāha l-'Aḍhīma lladhī lā ilāha illā Huwa l-Ḥayya l-Qayyūma wa atūbu ilayh* (three times) (10.52) ("I ask forgiveness of Allah Most Great, who there is no god besides, the Living, the Ever-Subsistent, and I repent to Him").

(16) *Subḥāna Llāhi wa bi ḥamdih* (three times) (10.53) ("I glorify Allah's absolute perfection and extol His praise").

(17) *Subḥāna Llāhi wa bi ḥamdihī 'adada khalqihī wa riḍā nafsihī wa zinata 'arshihī wa midāda kalimātih* (10.54) (three times) ("I glorify Allah's absolute perfection and extol His praise with the number of what He has created, the amount of His satisfaction in His person, the magnitude of the weight of His throne, and the plenitude of that by which His words are eked out").

And if one has enough time, one may recite:

(18) *Subḥāna Llāhi wa l-ḥamdu li Llāhi wa lā ilāha illa Llāhu wa Llāhu akbar* (a hundred times) (10.55) ("I glorify Allah's absolute perfection, Praise be to Allah, There is no god but Allah, Allah is ever greatest").

(19) *Lā ḥawla wa lā quwwata illā bi Llāhi l-'Aliyyi l-'Aḍhīm* (10.56) (one hundred times) ("There is no power and no strength save through Allah, the Most High, the Most Great").

(20) *Lā ilāha illa Llāhu l-Maliku l-Ḥaqqu l-Mubīn* (10.57) (one hundred times) ("There is no god but Allah, the Manifest True King").

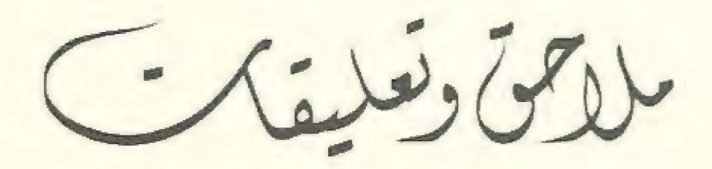
(21) *Lā ilāha illa Llāhu waḥdahū lā sharīka lah(ū), lahu l-mulku wa lahu l-ḥamdu wa Huwa 'alā kulli shay'in qadīr* (10.58) (one hundred times or three times) ("There is no god but Allah alone, without partner, His is the dominion, His the praise, and He has power over everything").

(22) *Allāhumma ṣalli 'alā Sayyidinā Muḥammadin 'abdika wa nabiyyika wa ḥabībika n-nabiyyi l-ummiyyi wa 'alā ālihī wa ṣaḥbihī wa sallim* (one hundred times or three times) (10.59) ("O Allah bless our liegelord Muhammad, Your servant, prophet, and beloved, the Unlettered Prophet; and his Folk and Companions, and give them peace").

7.6 And in this amount is a sufficiency, for those reached by the divine help, and Allah gives guidance, and guides to the path. Allah is our sufficiency and best to rely on. Ameen.

8

NOTES



CONTENTS

8.1 Why Muslims Follow Madhhabs (from introduction, xi)

8.1.a (n:) The introduction to the present work was meant to clarify what *fiqh* or "Islamic jurisprudence" is, and what use a small handbook like the present one may be to whoever reads it. The section below expands on this, since many Muslims today, when they first learn about the traditional schools or *madhhab*s of Sunni jurisprudence, such as the Shafi'i school which Imam Nawawi followed, want to know, "Why can't one just be a Muslim, without any jurisprudence or madhhab?" In short, it is no longer plain to people what the schools are doing in Islam.

In previous ages, it was taken for granted among practicing Muslims that everyone followed a madhhab. No particular school was obligatory, but most people knew it was obligatory to follow one Imam or another in one's day-to-day practice of the religion. In our day, the reasons for this have become so forgotten or obscured that they are no longer widely known. A modern Muslim who practices his religion in the way it has been practiced since the earliest centuries of Islam meets with arguments of latter-day reformers, who say, often with complete sincerity: "The words of Allah and His Messenger (Allah bless him and give him peace) are divinely protected from error, while the schools of mujtahid Imams such as Abu Hanifa, Malik, Shafi'i, and Ahmad are not. Who needs the Imams of Sacred Law when we have the Qur'an and hadith?"

It cannot be lost on anyone how urgent this question is, or that many of the disagreements we see and hear in our mosques these days between traditional Muslims and well-meaning "reformers" stem from lack of knowledge of Islamic jurisprudence and its relation to the religion as a whole. Now perhaps more than ever before, we have to get back to basics and ask ourselves how Allah intended us to understand and carry out His commands.

This appendix provides a detailed answer. It first examines the knowledge of Islam that every Muslim possesses, and then shows where fiqh enters into it. Looking at the qualifications mentioned in the Qur'an and sunna for those who do fiqh, the mujtahid scholars, it focuses on the *extent* of the mujtahid scholar's knowledge—how many hadiths he has to know, and so on—and then looks at the *depth* of his knowledge, through actual examples of *dalil*s or "legal proofs" that demonstrate how scholars join between different and even contradictory hadiths to produce a unified and consistent legal ruling. It closes with a discussion of the mujtahid's relation to the sciences of hadith authentication—which have been seriously put forward in recent years as a substitute for fiqh—and the conditions by which a scholar knows that a given hadith is *sahih* or "rigorously authenticated," so that he can accept and follow it.

Knowledge of Qur'an and Hadith

The knowledge that every Muslim takes from the Qur'an and the hadith is of several types: the first and most important concerns his *faith,* and is the knowledge of Allah and His attributes, and other basic tenets of Islamic belief such as the messengerhood of the Prophet (Allah bless him and give him peace), the Last Day, and so on. Every Muslim can and must acquire this knowledge from the Book of Allah and the sunna.

This is also the case with a second type of general knowledge, which does not concern faith, but rather *works:* the general laws of Islam to do good, to avoid evil, to perform the prayer, give zakat, fast Ramadan, to cooperate with others in good works,

to seek the reward of pious acts and fear wicked ones, and so forth. Anyone can learn and understand these general rules, which summarize the *Sirat al-Mustaqim* or "Straight Path" of our religion.

Fiqh

A third type of knowledge is of the specific details of Islamic practice. Whereas anyone can understand the first two types of knowledge from the Qur'an and hadith, the understanding of this third type has a special name, *fiqh,* meaning literally "understanding." This, people differ in their capacity to do. The translator had a visitor one day in Jordan, for example, who when asked why he hadn't yet gone on hajj, mentioned the hadith of Anas ibn Malik that

> the Messenger of Allah (Allah bless him and give him peace) said, "Whoever prays the dawn prayer in a group and then sits and makes remembrance (dhikr) until the sun rises, then prays two rak'as, shall have the like of the reward of a hajj and an 'umra." Anas said, "The Prophet (Allah bless him and give him peace) said: 'Completely, completely, completely'" (*Tirmidhi* (9.79), 2.481: 586).

The visitor had done just that this very morning, and he now believed he had fulfilled his obligation to perform the hajj, and had no need to go to Mecca. The hadith was well authenticated (hasan). In the ensuing discussion, the translator distinguished for his visitor between having the *reward* of something, and lifting the obligation of Islam by actually *doing* it, and the visitor saw the point.

But the larger lesson here is that while the Qur'an and the sunna are *ma'sum* or "divinely protected from error," the *understanding* of them is not. Someone who derives rulings from the Qur'an and hadith without training in *ijtihad* or "deduction from primary texts," as the translator's visitor did, will be responsible for it on the Day of Judgment, just as an amateur doctor who had never been to medical school would be responsible if he performed an operation and somebody died under his knife.

Why? Because Allah has explained in the Qur'an that fiqh, the detailed understanding of the divine command, requires specially trained members of the Muslim Community to learn and teach it. Allah says in Sura al-Tawba:

> "Not all of the believers should go to fight. Of every section of them, why does not one part alone go forth, that the rest may gain understanding of the religion, and to admonish their people when they return, that haply they may take warning?" (Qur'an 9:122),

where the expression *li yatafaqqahu fi d-din,* "to gain understanding of the religion," is derived from precisely the same root (f-q-h) as the word *fiqh* or "jurisprudence," and is what Western students of Arabic would call a "fifth-form verb" (tafa''ala), which indicates that the meaning contained in the root, *understanding,* is accomplished through careful, sustained effort.

This Qur'anic verse establishes that there should be a category of people who have *learned* the religion to be qualified in turn to teach it. And Allah has commanded those who do not know a ruling in Sacred Law to ask those who do, by saying in Sura al-Nahl,

> "Ask those who know well if you know not" (Qur'an 16:43),

where the words "those who know well," *ahl al-dhikr,* indicate those with knowledge of the Qur'an and sunna, at their forefront the mujtahid Imams of this Umma. This is clear first of all from the fact that the Qur'an and hadith are in Arabic, and the translator can assure readers that it is not just any Arabic.

To understand the Qur'an and sunna, the mujtahid must have complete knowledge of the Arabic language in the same capacity as the early Arabs themselves had before the language came to be used by non-native speakers. This qualification, which almost no one in the present day has, is not the main topic of the present discussion, but even if one *did* have it, what if an

ordinary Muslim, though not a trained specialist, wanted to deduce details of Islamic practice directly from the sources? After all, the Prophet (Allah bless him and give him peace) has said, in the hadith of Bukhari and Muslim:

> When a judge gives judgement and strives to know a ruling (ijtahada) and is correct, he has two rewards. If he gives judgement and strives to know a ruling, but is wrong, he has one reward (*Bukhari* (9.10), 9.133: 7352).

The answer is that the term *ijtihad* or "striving to know a ruling" in this hadith does not mean just any person's efforts to understand and operationalize an Islamic ruling, but rather the person with sound knowledge of everything the Prophet (Allah bless him and give him peace) taught that relates to the question. Whoever makes ijtihad without this qualification is a criminal, the proof of which is the hadith that the Companion Jabir ibn 'Abdullah said:

> We went on a journey, and a stone struck one of us and opened a gash in his head. When he later had a wet-dream in his sleep, he then asked his companions, "Do you find any dispensation for me to perform dry ablution (tayammum)?" [Meaning instead of a full purificatory bath (ghusl).] They told him, "We don't find any dispensation for you if you can use water."
>
> So he performed the purificatory bath, his wound opened, and he died. When we came to the Prophet (Allah bless him and give him peace), he was told of this and he said: "They have killed him, may Allah kill them. Why did they not ask?—for they didn't know; the only cure for someone who does not know what to say is to ask . . ." (*Abu Dawud* (9.72), 1.93: 336).

This hadith, which was related by Abu Dawud, is well authenticated (hasan), and every Muslim who has any *taqwa* or "godfearingness" should reflect on it carefully, for the Prophet (Allah bless him and give him peace) indicated in it—in the strongest

language possible—that to judge on a rule of Islam on the basis of insufficient knowledge is a crime. And like it is the well authenticated hadith

> Whoever is given a legal opinion (fatwa) without knowledge, his sin is but upon the person who gave him the legal opinion (*Abu Dawud* (9.72), 3.321: 3657).

The Prophet (Allah bless him and give him peace) also said:

> Judges are three: two of them in hell, and one in paradise. A man who knows the truth and judges accordingly, he shall go to paradise. A man who judges for people while ignorant, he shall go to hell. And a man who knows the truth but rules unjustly, he shall go to hell (*Sharh al-sunna* (9.6), 10.94).

This hadith, which was related by Abu Dawud, Tirmidhi, Ibn Majah, and others, is rigorously authenticated (sahih), and anyone who would like to avoid the hellfire should reflect on the fate of whoever, in the words of the Prophet (Allah bless him and give him peace), "judges for people while ignorant."

Yet most of us, as English-speaking Muslims, have our Yusuf 'Ali Qur'ans, and our *Sahih al-Bukhari* translations. Aren't these adequate scholarly resources?

These are valuable books, and do perhaps convey the largest and most important part of one's *din*: the basic Islamic beliefs, and the general laws of the religion. The question here, however, is not these broad principles, but rather *understanding* specific details of Islamic practice, which is called precisely *fiqh*. For this, any honest investigator who studies the issues will agree that English translations are not enough. They are not enough because understanding the total Qur'an and hadith textual corpus, which comprises what is called the *din* or "religion," requires two dimensions in a scholar: a dimension of *breadth*, the substantive knowledge of all the texts; and a dimension of *depth*, the methodological tools needed to join between all the Qur'anic verses and hadiths, even those that ostensibly contradict one another.

Knowledge of Primary Texts

As for the breadth of a mujtahid's knowledge, Ibn Qayyim al-Jawziyya records that Imam Ahmad ibn Hanbal's student Muhammad ibn 'Ubaydullah ibn al-Munadi "heard a man ask him [Imam Ahmad]: 'When a man has memorized 100,000 hadiths, is he a scholar of Sacred Law, a faqih?' And he said, 'No.' The man asked, '200,000 then?' And he said, 'No.' The man asked, 'Then 300,000?' And he said, 'No.' The man asked, '400,000?' And Ahmad gestured with his hand to signify 'about that many'" (*I'lam al-muwaqqi'in* (9.35), 4.205).

In truth, by the term "hadith" here Imam Ahmad meant the hadiths of the Prophet (Allah bless him and give him peace) in all their various chains of transmission, counting each chain of transmission as a separate hadith, and perhaps also counting the statements of the Sahaba. But the larger point is that even if one eliminates the different chains, and speaks only about the hadiths from the Prophet (Allah bless him and give him peace) that are plainly acceptable as evidence, whether *sahih* or "rigorously authenticated," or *hasan* or "well authenticated" (which for purposes of ijtihad may be assimilated to the *sahih*), one is still speaking of well over 10,000 hadiths, and they are not contained in Bukhari alone, or in Bukhari and Muslim alone, nor yet in any six books, or even in any nine. Yet whoever wants to give a *fatwa* or "formal legal opinion" and judge for people that something is lawful or unlawful, obligatory or sunna, must know *all* the primary texts that relate to it. For the perhaps 10,000 hadiths that are *sahih* are, for the mujtahid, as *one single hadith*, and he must first know them in order to join between them to explain the unified command of Allah.

We say "join between" because most readers must be aware that some *sahih* hadiths seem to controvert other equally *sahih* hadiths. What does a mujtahid do in such an instance?

Ijtihad

The answer is perhaps best seen from examples. Most Muslims know the hadiths about fasting on the Day of 'Arafa for the

non-pilgrim, that "it expiates [the sins of] the year before and the year after" (*Muslim* (9.55), 2.819: 1162). However another rigorously authenticated hadith prohibits fasting on Friday alone (*Bukhari* (9.10), 3.54: 1984), and a well authenticated hadith prohibits fasting on Saturday alone (*Tirmidhi* (9.79), 3.120: 744), of which Tirmidhi explains, "The meaning of the 'offensiveness' in this is when a man singles out Saturday to fast on, since the Jews venerate Saturdays" (ibid., 3.120). Some scholars hold Sundays offensive to fast on for the same reason, that they are venerated by non-Muslims. Other hadiths permit fasting one of these days if conjoined with the day before or after it, which some scholars suggest is because no religion venerates two of the days in a row.

The question arises: What does one do when 'Arafa falls on a Friday, a Saturday, or a Sunday? The general demand for fasting on the Day of 'Arafa might well be qualified by the specific prohibition of fasting on just one of these days. But a mujtahid aware of the whole hadith corpus would certainly know a third hadith in *Sahih Muslim* that is even more specific, and says: "Do not single out Friday from among other days to fast on, unless it coincides with a fast one of you performs" (*Muslim* (9.55), 2.801: 1144). This hadith establishes for the mujtahid the general principle that the ruling for fasting on a day normally prohibited to fast on *changes* when that day "coincides with a fast one of you performs"—and so there is no problem with fasting whether the Day of 'Arafa falls on a Friday, Saturday, or Sunday.

Here as elsewhere, whoever wants to understand the ruling of doing something in Islam must know *all* the texts connected with it. Because as an ordinary Muslim, one is not only responsible for obeying the Qur'anic verses and hadiths one is familiar with. One is responsible for obeying *all* of them, the whole shari'a. And if one is not personally qualified to join between all of its texts—and Ahmad ibn Hanbal has discussed above how much knowledge this takes—one must *follow* someone who can, which is why Allah tells Muslims, "Ask those who know well if you know not."

The size and nature of this knowledge necessitate that the non-specialist show *adab* or "proper respect" towards the scholars of fiqh when he finds a hadith, whether in Bukhari or elsewhere, that ostensibly contradicts the schools of fiqh. A non-scholar, for example, reading through *Sahih al-Bukhari* will find the hadith that the Prophet (Allah bless him and give him peace) bared a thigh on the ride back from Khaybar (*Bukhari* (9.10), 1.103–4: 371), and might imagine that the four *madhhab*s or "legal schools"—Hanafi, Maliki, Shafi'i, and Hanbali—were mistaken in their judgment that the thigh is *'awra* or "nakedness that must be covered."

But in fact there are a number of other hadiths, all of them well authenticated (hasan) or rigorously authenticated (sahih), that the Prophet (Allah bless him and give him peace) explicitly commanded various Sahaba to cover the thigh because it was nakedness. Hakim reports that the Prophet (Allah bless him and give him peace) saw Jarhad in the mosque wearing a mantle, and his thigh became uncovered, so the Prophet told him, "The thigh is part of one's nakedness" (*al-Mustadrak* (9.19), 4.180), of which Hakim said, "This is a hadith whose chain of transmission is rigorously authenticated (sahih)," which Imam Dhahabi confirmed (*al-Talkhis* (9.19), 4.180). Imam Baghawi records the rigorously authenticated hadith that "the Prophet (Allah bless him and give him peace) passed by Ma'mar, whose thighs were exposed, and told him, 'O Ma'mar, cover your thighs, for the thighs are nakedness'" (*Sharh al-sunna* (9.6) 9.21: 2251). And Ahmad ibn Hanbal records that the Prophet (Allah bless him and give him peace) said, "When one of you marries [someone to] his servant or hired man, let him not look at his nakedness, for what is below his navel to his knees is nakedness" (*Ahmad* (9.26), 2.187), a hadith with a well authenticated (hasan) chain of transmission. The mujtahid Imams of the four schools knew these hadiths, and joined between them and the Khaybar hadith in Bukhari by the methodological principle that "an explicit command in words from the Prophet (Allah bless him and give him peace) is given precedence over an action of his."

Why? Among other reasons, because certain laws of the shari'a applied to the Prophet alone (Allah bless him and give him peace). Such as that when he went into battle, he was not permitted to retreat, no matter how outnumbered. Or such as the obligatoriness for him alone of praying *tahajjud* or "the night vigil prayer" after rising from one's sleep before dawn, which is merely sunna for the rest of us. Or such as the permissibility for him alone of not breaking his fast at night between fast-days. Or such as the permissibility for him alone of having more than four wives—the means through which Allah in His wisdom preserved for Muslims the minutest details of the Prophet's day-to-day sunna (Allah bless him and give him peace), which a larger number of wives were far abler to observe and remember.

Because certain laws of the shari'a applied to him alone, the scholars of ijtihad have established the principle that in many cases, when an act was done by the Prophet personally (Allah bless him and give him peace), such as baring the thigh after Khaybar, and when he gave an explicit command to us to do something else, in this case, to cover the thigh because it is nakedness, then the command is adopted for the rest of the Muslim Community (Umma), and the act is considered to pertain to him alone (Allah bless him and give him peace).

One can see from this example the kind of scholarship it takes to seriously comprehend the whole body of hadith, both in breadth of knowledge, and depth of interpretive understanding or fiqh, and that anyone who would give a fatwa, on the basis of the Khaybar hadith in *Sahih al-Bukhari,* that "the scholars are wrong and the hadith is right" would be guilty of criminal negligence for his ignorance.

When one does not have substantive knowledge of the Qur'an and hadith corpus, and lacks the fiqh methodology to comprehensively join between it, the hadiths one has read are not enough. To take another example, there is a well authenticated (hasan) hadith that "the Prophet (Allah bless him and give him peace) cursed women who visit graves" (*Tirmidhi* (9.79), 3.371: 1056). But scholars say that the prohibition of women visiting

graves was abrogated (mansukh) by the rigorously authenticated (sahih) hadith "I had forbidden you to visit graves, but now visit them" (*Muslim* (9.55), 2.672: 977).

Here, although the words "now visit them" (fa zuruha) are an imperative to men, or more precisely to a group of whom at least one is a man, the fact that the hadith permits women as well as men to now visit graves is shown by another hadith related by Muslim in his *Sahih* that when 'A'isha asked the Prophet (Allah bless him and give him peace) what she should say if she visited graves, he told her: "Say: 'Peace be upon the believers and Muslims of the folk of these abodes. May Allah have mercy on those of us who have gone ahead and those who have stayed behind; Allah willing, we shall certainly be joining you'" (*Muslim* (9.55), 2.671: 974), which plainly entails the permissibility of her *visiting* the graves in order to *say* this, for the Prophet (Allah bless him and give him peace) would never have taught her these words had visiting them been disobedience. In other words, knowing all these hadiths, together with the methodological principle of *naskh* or "abrogation," is essential to drawing the valid fiqh conclusion that the first hadith in which "the Prophet (Allah bless him and give him peace) cursed women who visit graves"—was abrogated by the second hadith, as attested by the third.

Or consider the Qur'anic text in Sura al-Ma'ida:

> "The food of those who have been given the Book is lawful for you, and your food is lawful for them" (Qur'an 5:5).

This is a general ruling ostensibly pertaining to *all* their food. Yet this ruling is subject to *takhsis,* or "restriction" by more specific rulings that prove that certain foods of *Ahl al-Kitab,* "those who have been given the Book," such as pork, or animals not properly slaughtered, are not lawful for Muslims.

Ignorance of this principle of *takhsis* or restriction is especially common among the would-be mujtahids of our times, from whom one often hears the more general ruling in the words "But the Qur'an says," or "But the hadith says," without any mention

of the more particular ruling from a different hadith or Qur'anic verse that restricts it. The reply can only be "Yes, brother, the Qur'an does say, 'The food of those who have been given the Book is lawful for you,' But what else does it say?" or "Yes, the hadith in *Sahih al-Bukhari* says the Prophet (Allah bless him and give him peace) bared his thigh on the return from Khaybar. But what else do the hadiths say, and more importantly, are you sure you know it?"

The above examples illustrate only a few of the methodological rules needed by the mujtahid to understand and operationalize Islam by joining between all the evidence. The first was the principle of *takhsis* or "restriction" of general rules by more specific ones, both in the example of fasting on the Day of 'Arafa when it falls on a Friday, Saturday, or Sunday; and the example of the food of Ahl al-Kitab. The second, seen from the Khaybar hadith in *Sahih al-Bukhari* about baring the thigh together with the various hadiths commanding that the thigh be covered, was the principle of how an explicit prophetic *command* in words is given precedence over a mere *action* when there is a contradiction. The third rule was the principle of *nasikh wa mansukh,* of "an earlier ruling being abrogated by a later one," in the example of the initial prohibition of women visiting graves, and their subsequently being permitted to.

These are only three of the ways that two or more texts of the Qur'an and hadith may enter into and qualify one another, rules that someone who derives the shari'a from them must know. In other words, they are but three tools of a whole methodological toolbox. They reflect the situational context of the original revelation, the universal legislation it was meant to provide, and the very way words express meaning. The compass of the present article does not permit treating all these tools in detail, though some of the most important (dis: 8.14.b (I)) can be mentioned in passing, giving first their Arabic names:

—The *'amm,* a text of general applicability to many legal rulings, and its opposite:

—The *khass,* that which is applicable to only one ruling or type of ruling.

—The *mujmal,* that which requires other texts to be fully understood, and its opposite:

—The *mubayyan,* that which is plain without other texts.

—The *mutlaq,* that which is applicable without restriction, and its opposite:

—The *muqayyad,* that which has restrictions given in other texts.

—The *nasikh,* that which supersedes previous revealed rulings, and its opposite:

—The *mansukh,* that which is superseded.

—The *nass,* that which unequivocally decides a particular legal question, and its opposite:

—The *dhahir,* that which can bear more than one interpretation.

The point in mentioning what a mujtahid is, what fiqh is, and the types of texts that embody Allah's commands, with the examples that illustrate them, is to answer the basic question with which this article began: "Why can't we take our Islamic practice from the word of Allah and His messenger, which are divinely protected, instead of taking it from mujtahid Imams, who are not?" The answer, it is plain, is that revelation cannot be acted upon without *understanding* it, and understanding requires first that one have the breadth of mastery of the whole, and second, the knowledge of how the parts relate to each other. Whoever joins between these two dimensions of the revelation is taking his Islamic practice from the word of Allah and His messenger, whether he does so personally, by being a mujtahid Imam, or whether by means of another, by following one.

Following an Imam Without Knowing His Evidence (Taqlid)

Allah Most High says in Sura al-Nisa', "If they had referred it to the Messenger and to those of authority among them, then those of them whose task it is to find it out would have known the matter" (Qur'an 4:83)—where "those of them whose task it is to find it out," *alladhina yastanbitunahu minhum,* refers to those possessing the capacity to draw inferences directly from evidence, which is called in Arabic *istinbat.*

A person who has reached this level can and indeed must draw his inferences directly from evidence, and may not merely follow another scholar's conclusions without examining the evidence (taqlid), a rule expressed in books of methodological principles of fiqh as: *Laysa li al-'alim an yuqallid,* "The *alim* [that is, the mujtahid at the level of *instinbat* referred to by the above Qur'anic verse] may not merely follow another scholar" (Juwayni: *Sharh al-Waraqat* (9.43), 75), meaning it is not legally permissible for one mujtahid to follow another mujtahid unless he knows and agrees with his evidences.

The mujtahid Imams trained a number of scholars who were at this level. Imam Shafi'i had Muzani, and Imam Abu Hanifa had Abu Yusuf and Muhammad ibn al-Hasan al-Shaybani. It was to such students that Abu Hanifa addressed his words: "It is unlawful for whoever does not know my evidence to give my position as a fatwa" (Hamid: *Majmu'a rasa'il* (9.20), 6), and, "It is not lawful for anyone to give our position as a fatwa until he knows where we have taken it from" (ibid., 6).

It is one of the howlers of our times that these words are sometimes quoted as though they were addressed to ordinary Muslims. If it were unlawful for the carpenter, the sailor, the computer programmer, the doctor, to do any act of worship before he had mastered the entire textual corpus of the Qur'an and thousands of hadiths, together with all the methodological principles needed to weigh the evidence and comprehensively join between it, he would either have to give up his profession or give up his religion. A lifetime of study would hardly be enough

for this, a fact that Abu Hanifa knew better than anyone else, and it was to scholars of *istinbat,* the mujtahids, that he addressed his remarks. Whoever quotes these words to non-scholars to try to suggest that Abu Hanifa meant that it is wrong for ordinary Muslims to accept the work of scholars, should stop for a moment to reflect how insane this is, particularly in view of the life work of Abu Hanifa from beginning to end, which consisted precisely in summarizing the fiqh rulings of the religion for ordinary people to follow and benefit from.

Imam Shafi'i was also addressing this top level of scholars when he said: "When a hadith is rigorously authenticated (sahih), it is my position (madhhab)"—which has been misunderstood by some to mean that if one finds a hadith, for example, in *Sahih al-Bukhari* that is inconsistent with a position of Shafi'i's, one should presume that he was ignorant of it, drop the fiqh, and accept the hadith.

The examples mentioned so far of joining between several hadiths for a single ruling are too clear to misunderstand Shafi'i in this way. Shafi'i is referring to hadiths that he was previously unaware of and that mujtahid scholars know him to have been unaware of when he gave a particular ruling. And this, as Imam Nawawi has said, "is very difficult," for Shafi'i was aware of a great deal. We have heard the opinion of Shafi'i's student Ahmad ibn Hanbal about how many hadiths a *faqih* must know, and he unquestionably considered Shafi'i to be such a scholar, for Shafi'i was his sheikh in fiqh. Ibn Khuzayma, who is known as "the Imam of Imams" for the amount of his hadith memorization, was once asked, "Do you know of a rigorously authenticated (sahih) hadith that Shafi'i did not include in his books?" And he said, "No" (*al-Majmu'* (9.62), 1.10). Imam Dhahabi has said, "Shafi'i never made a single mistake in hadith" (*Tabaqat al-Shafi'iyya al-kubra* (9.73), 9.114). It is clear from all of this that Imam Shafi'i's statement "When a hadith is rigorously authenticated (sahih), it is my position" only makes sense, and could result in meaningful corrections, if addressed to scholars at a level of hadith mastery comparable to his own.

Hadith Authentication

This last point raises another issue that perhaps few are aware of today, and the remainder of this article will be devoted to it. Just as the mujtahid Imam is not like the ordinary Muslim in his command of the Qur'an and hadith evidence, or the principles needed to join between it and infer rulings from it, neither is he is like him in the way he judges the authenticity of hadiths. If a person who is not a hadith specialist needs to rate a hadith, he will usually want to know if it appears, for example, in *Sahih al-Bukhari*, or *Sahih Muslim*, or if some hadith scholar has declared it to be rigorously authenticated (sahih) or well authenticated (hasan). A mujtahid does not do this.

Rather, he reaches an independent judgment as to whether a particular hadith is truly from the Prophet (Allah bless him and give him peace) through his own knowledge of hadith narrators and the sciences of hadith, and not from *taqlid* or "following the opinion of another hadith scholar."

It is thus not necessarily an evidence against the positions of a mujtahid that Bukhari, or Muslim, or whoever, has accepted a hadith that contradicts the mujtahid's evidence, or rejected one that supports it. Why? Because among hadith scholars, the reliability rating of individual narrators in hadith chains of transmission are disagreed about and therefore hadiths are disagreed about in the same manner that particular questions of fiqh are disagreed about among the scholars of fiqh. As with the schools of fiqh, the extent of this disagreement is relatively small in relation to the whole, but one should remember that it does exist.

Because a mujtahid scholar is not bound to accept another scholar's ijtihad regarding a particular hadith, the ijtihad of a hadith specialist of today that, for example, a hadith is weak (da'if), is not necessarily an evidence against the ijtihad of a previous mujtahid that the hadith is acceptable. This is particularly true in the present day, when specialists in hadith are not at the level of their predecessors in either knowledge of hadith sciences, or memorization of hadiths.

Nothing shows this better than to reflect a little upon what *sahih* or "rigorously authenticated" means. The present article will conclude by looking at the five conditions that have to be met for a hadith to be considered *sahih*, and how the scholars of hadith have differed about them.

(a) The first condition is that a hadith must go back to the Prophet (Allah bless him and give him peace) by a continuous chain of narrators. There is a difference of opinion here between Bukhari and Muslim, in that Bukhari held that for any two adjacent narrators in a chain of transmission, it must be historically established that the two actually met, whereas Muslim and others stipulated only that their meeting have been possible, such as by one having lived in a particular city that the other is known to have visited at least once in his life. So some hadiths will be acceptable to Muslim that will not be acceptable to Bukhari and those of the mujtahid imams who adopt his criterion.

(b) The second condition for a *sahih* hadith is that the narrators be morally upright. The scholars have disagreed about the definition of this, some accepting that it is enough that a narrator be a Muslim who is not proven to have been unacceptable. Others stipulate that he be outwardly established as having been morally upright, while other scholars stipulate that this be established inwardly as well. These different criteria are naturally reasons why two mujtahids may differ about the authenticity of a single hadith.

(c) The third condition is that the narrators must be known to have had accurate memories. The verification of this is similarly subject to some disagreement between the Imams of hadith, resulting in differences about reliability ratings of particular narrators, and therefore of particular hadiths.

(d) The fourth condition for a *sahih* hadith is that the text and transmission of the hadith must be free of *shudhudh*, or "deviance from established standard narrations of it." An example is when a hadith is related by five different narrators who are

contemporaries of one another, all of whom relate the same hadith from the same sheikh through his chain of transmission back to the Prophet (Allah bless him and give him peace). Here, if four of the hadiths have the same wording but one of them is found to have a significantly different wording, the hadith with the different wording is called *shadhdh* or "deviant," and is not accepted, because the difference is naturally assumed to be the mistake of the one narrator, since all of the narrators heard the hadith from the same sheikh.

There is a hadith, for example, related by Ahmad ((9.26), 4.318), Bayhaqi ((9.9), 2.132), Ibn Khuzayma ((9.31), 1.354: 714), and Ibn Hibban, with a reliable chain of narrators (thiqat) —except for Kulayb ibn Hisham, who is merely "acceptable" (saduq), not "reliable" (thiqa)—that the Companion Wa'il ibn Hujr al-Hadrami said that when he watched the Prophet (Allah bless him and give him peace) kneeling in the *Tashahhud* or "Testification of Faith" of his prayer, the Prophet

> lifted his [index] finger, and I saw him move it, supplicating with it. I came [some time] after that and saw people in [winter] over-cloaks, their hands moving under the cloaks (*Ibn Hibban* (9.27), 5.170–71: 1860).

Now, all of the versions of the hadith mentioning that the Prophet (Allah bless him and give him peace) *moved* his finger have been related to us by way of Za'ida ibn Qudama al-Thaqafi, a narrator who is considered reliable, and who transmitted it from the hadith sheikh 'Asim ibn Kulayb, who related it from his father Kulayb ibn Shihab, from Wa'il ibn Hujr al-Hadrami. But we find that this version of "moving the finger" contradicts versions of the hadith transmitted from the same sheikh, 'Asim ibn Kulayb, by no less than *ten* of 'Asim's other students, all of them reliable, who heard 'Asim report that the Prophet (Allah bless him and give him peace) did not *move* but rather *pointed* (ashara) with his index finger (towards the qibla).

These companions of 'Asim (with their hadiths) are: Sufyan

al-Thawri: "then he pointed with his index finger, putting the thumb to the middle finger to make a ring with them" (*al-Musannaf* (9.69), 2.68–69: 2522); Sufyan ibn 'Uyayna: "he joined his thumb and middle finger to make a ring, and pointed with his index finger" (*Ahmad* (9.26), 4.318); Shu'ba ibn al-Hajjaj: "he pointed with his index finger, and formed a ring with the middle one" (*Ahmad* (9.26), 4.319); Qays ibn al-Rabi': "then he joined his thumb and middle finger to make a ring, and pointed with his index finger" (*Tabarani* (9.76), 22.33–34: 79); 'Abd al-Wahid ibn Ziyad al-'Abdi: "he made a ring with a finger, and pointed with his index finger" (*Ahmad* (9.26), 4.316); 'Abdullah ibn Idris al-Awdi: "he had joined his thumb and middle finger to make a ring, and raised the finger between them to make *du'a* (supplication) in the Testification of Faith" (*Ibn Majah* (9.32), 1.295: 912); Zuhayr ibn Mu'awiya: "and I saw him ['Asim] say, 'Like this,'—and Zuhayr pointed with his first index finger, holding two fingers in, and made a ring with his thumb and second index [middle] finger" (*Ahmad* (9.26), 4.318–19); Abu al-Ahwas Sallam ibn Sulaym: "he began making *du'a* like this—meaning with his index finger, pointing with it—" (*Musnad al-Tayalisi* (9.78), 137: 1020); Bishr ibn al-Mufaddal: "and I saw him ['Asim] say, 'Like this,'—and Bishr joined his thumb and middle finger to make a ring, and pointed with his index finger" (*Abu Dawud* (9.72), 1.251: 957; and Khalid ibn Abdullah al-Wasiti: "then he joined his thumb and middle finger to make a ring, and pointed with his index finger" (*Bayhaqi* (9.9), 2.131).

All of these narrators are reliable (thiqat), and all heard 'Asim ibn Kulayb relate that the Prophet (Allah bless him and give him peace) "*pointed with* (ashara bi) his index finger" during the Testimony of Faith in his prayer. There are many other narrations of "pointing with the index finger" transmitted through sheikhs *other* than 'Asim, omitted here for brevity—four of them, for example, in *Sahih Muslim* ((9.55), 1.408–9). The point, for illustrating the meaning of a *shadhdh* or "deviant hadith," is that the version of *moving* the finger was conveyed only by

Za'ida ibn Qudama from 'Asim. Ibn Khuzayma says: "There is not a single hadith containing *yuharrikuha* ('he moved it') except this hadith mentioned by Za'ida" (*Ibn Khuzayma* (9.31), 1.354: 714).

So we know that the Prophet (Allah bless him and give him peace) used to point with his index finger, and that the version of "moving his finger" is *shadhdh* or "deviant," and represents a slip of the narrator, for the word *ishara* in the majority's version means only "to point or gesture at," or "to indicate with the hand," and has no recorded sense in Arabic of moving or twitching the finger, as verified by lexicons like Ibn al-Manzur's fifteen-volume *Lisan al-'Arab* ((9.33), 4.437), or Fayruzabadi's *al-Qamus al-muhit* ((9.15), 540). The interpretation of "pointing" is explicitly borne out by two hadiths, both well authenticated (hasan), related from the Companion 'Abdullah ibn al-Zubayr that "the Prophet (Allah bless him and give him peace) used to point with his index finger when making supplication [in the Testification of Faith] and *did not move it*" (*Abu Dawud* (9.72), 1.260: 989) and that he "used to point with his index finger when making supplication, *without moving it*" (*Bayhaqi* (9.9), 2.131–32).

Finally, Imam Bayhaqi has found accord between the Za'ida ibn Qudama hadith and the many hadiths that apparently contradict it by suggesting that *moving* the finger in the Za'ida hadith may mean simply *rafa'a* or "lifting" it, a wording explicitly mentioned in one version recorded by Muslim that the Prophet (Allah bless him and give him peace) "*raised* the right finger that is next to the thumb, and supplicated with it" (*Muslim* (9.55), 1.408: 580). So according to Bayhaqi, the contradiction is only apparent, and *raising* the finger is the "movement" that Wa'il saw from the Prophet (Allah bless him and give him peace) and the people's hands under their cloaks, according to Za'ida's version, which remains, however, *shadhdh* or "deviant" from a hadith point of view, unless understood in this limitary sense.

(e) The fifth and final condition for a *sahih* hadith is that both the text and chain of transmission must be without *'illa* or "hidden compromising flaw" that alerts experts to expect inauthenticity in it. This point is worth dwelling on for a moment not only because it helps illustrate the processes of ijtihad, but because in-depth expertise in this condition was not common even among top hadith Imams. The greatest name in the field was 'Ali ibn al-Madini, one of the sheikhs of Bukhari, though his major work about it is now unfortunately lost. Daraqutni is perhaps the most famous specialist in the field whose works exist. In the words of Ibn Salah, himself a *hafidh* or "hadith master" (someone with at least 100,000 hadiths by memory), the knowledge of the *'illa* or "hidden flaw" is:

> among the greatest of the sciences of hadith, the most exacting, and highest: only scholars of great memorization, hadith expertise, and penetrating understanding have a thorough knowledge of it. It refers to obscure, hidden flaws that compromise hadiths, "flawed" meaning that a defect is discovered that vitiates the authenticity of a hadith that is outwardly "rigorously authenticated" (sahih). It affects hadiths with reliable chains of narrators that outwardly appear to fulfill all the conditions of a *sahih* hadith (*'Ulum al-hadith* (9.38), 90).

It may surprise some people to learn that one example often cited in hadith textbooks of such a hidden flaw ('illa) is from *Sahih Muslim,* all of whose hadiths are rigorously authenticated (sahih), as Ibn Salah has said, "except for a very small number of words, which hadith masters of textual evaluation (naqd) such as Daraqutni and others have critiqued, and which are known to scholars of this level" (*'Ulum al-hadith* (9.38), 29). The hadith of the present example was related by Muslim from the Companion Anas ibn Malik in several versions, which might lead those unaware of its flaw to believe that someone at prayer should omit the *Basmala* or words "*Bismi Llahi r-Rahmani r-Rahim*" at the beginning of the Fatiha. According to the hadith,

Anas ibn Malik (Allah be well pleased with him) said,

> I prayed with the Messenger of Allah (Allah bless him and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they opened with "*al-Hamdu li Llahi Rabbi l-'Alamin,*" not mentioning "*Bismi Llahi r-Rahmani r-Rahim*" at the first of the recital or the last of it [and in another version, "I didn't hear any of them recite '*Bismi Llahi r-Rahmani r-Rahim*'"] (*Muslim* (9.55), 1.299: 399).

Scholars say the hadith's flaw lies in the negation of the Basmala at the end, which is not the words of Anas, but rather one of the subnarrators explaining what he thought Anas meant. Ibn Salah says: "Its subnarrator related it with the above-mentioned wording in accordance with his own understanding of it" (*Muqaddima Ibn Salah* (9.39), 99). This hadith is given as an example of a "hidden flaw" in a number of manuals of hadith terminology, such as hadith master (hafidh) Suyuti's *Tadrib al-rawi* ((9.63), 1.254–57); hadith master Ibn Salah's *'Ulum al-hadith* ((9.38), 92); hadith master Zayn al-Din al-'Iraqi's *al-Taqyid wa al-idah* ((9.39), 98–103); and others. 'Iraqi says, "A number of hadith masters (huffadh) have judged it to be compromised by a flaw, including Shafi'i, Daraqutni, Bayhaqi, and Ibn 'Abd al-Barr" (*al-Taqyid wa al-idah* ((9.39), 98).

Now, Bukhari has related the hadith up to the words "and they began with '*al-Hamdu li Llahi Rabbi l-'Alamin*'"; without mentioning omitting the Basmala (*Bukhari* (9.10), 1.189: 743), and Tirmidhi and Abu Dawud relate no other version. Scholars point out in this connection that the words "*al-Hamdu li Llahi Rabbi l-'Alamin*" were in fact the *name* of the Fatiha, for the Prophet (Allah bless him and give him peace) and his Companions often used the opening words of suras as names for them; for example, in the hadith in *Sahih al-Bukhari* related from Abu Sa'id ibn al-Mu'alla:

> The Prophet (Allah bless him and give him peace) said, "I will teach you a sura that is the greatest sura of the Qur'an

before you leave the mosque." Then he took my hand, and when he was going out, I said to him, "Didn't you say, 'I will teach you a sura that is the greatest sura of the Qur'an before you leave the mosque'?" And he said: "'*Al-Hamdu li Llahi Rabbi l-'Alamin*': it is 'The Seven Oft-Recited [Verses] (al-Sab' al-Mathani)' and 'The Tremendous Recital (al-Qur'an al-'Adhim)' that has been bestowed to me" (*Bukhari* (9.10), 6.20–21: 4474).

In this hadith, "*Al-Hamdu li Llahi Rabbi l-'Alamin*" is plainly the *name* of the Fatiha, and can mean nothing besides, for it is but one verse, not seven. 'A'isha, who was one of the ulema of the Sahaba, also referred to names of suras in this way, as in the hadith of Bukhari that

the Prophet (Allah bless him and give him peace), when he went to bed each night, joined his hands together, blew a light spray of saliva upon them, and read over them "*Qul Huwa Llahu Ahad,*" "*Qul a'udhu bi Rabbi l-Falaq,*" and "*Qul a'udhu bi Rabbi n-Nas*"; then wiped every part of his body he could with them (*Bukhari* (9.10), 6.233–34: 5017),

showing that she named each of these suras by *their opening words after the Basmala,* as did other early Muslims, and as Bukhari himself did in many chapter headings bearing the names of suras of the Qur'an in the section of his *Sahih* entitled "The Virtues of the Qur'an." So there is no evidence in the portion of the Anas hadith's wording concurred upon by both Bukhari and Muslim, which is "I prayed with the Messenger of Allah (Allah bless him and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they began with '*al-Hamdu li Llahi Rabbi l-'Alamin*'"—that the Basmala was not recited, or even that it was not recited aloud, for this verse was a *name* for the Fatiha among the early Muslims. Says Tirmidhi: "Imam Shafi'i says, 'Its meaning is that they used to begin with the Fatiha before the sura, not that they did not recite "*Bismi Llahi r-Rahmani r-Rahim.*"' And Shafi'i held that the prayer was begun with '*Bismi*

Llahi r-Rahmani r-Rahim,' and that it was recited aloud in prayers recited aloud" (*Tirmidhi* (9.79), 2.16).

Hadith scholars who are masters of textual critique, like Daraqutni and others, consider the final words of the Anas hadith "not mentioning '*Bismi Llahi r-Rahmani r-Rahim,*'" which outwardly seem to suggest omitting the Basmala, to be a spurious addendum vitiated by an '*illa* or "hidden flaw" for many reasons, a few of which are:

(1) It is established by numerous intersubstantiative channels of transmission (tawatur), that the Prophet (Allah bless him and give him peace) said, "There is no prayer for whoever does not recite the Fatiha" (*Bukhari* (9.10), 1.192:756), and the Basmala's being the Fatiha's first verse is shown by several facts:

First, the Sahaba affirmed nothing in the collation of the Qur'an (mus-haf) of 'Uthman's time except what was Qur'an, and they unanimously placed the Basmala at the beginning of every sura except Sura al-Tawba.

Second, the Prophet (Allah bless him and give him peace) said, "When you recite '*al-Hamdu li Llah,*' recite '*Bismi Llahi r-Rahmani r-Rahim,*' for it is the Summary of the Qur'an (Umm al-Qur'an), and the Sum of the Scripture (Umm al-Kitab), and is The Seven Oft-Repeated Ones (al-Sab' al-Mathani); and '*Bismi Llahi r-Rahmani r-Rahim*' is one of its verses" (*Bayhaqi* (9.9), 2.45); and *Daraqutni* ((9.12), 1.312), a hadith related with a rigorously authenticated (sahih) channel of transmission to the Prophet (Allah bless him and give him peace), and related also through a second chain to Abu Hurayra alone (Allah be well pleased with him).

Third, Umm Salama relates: "The Prophet (Allah bless him and give him peace) used to recite: '*Bismi Llahi r-Rahmani r-Rahim; al-Hamdu li Llahi Rabbi l-'Alamin,*' separating each phrase," a hadith which Hakim said was rigorously authenticated (sahih) according to the conditions of Bukhari and Muslim (*al-Mustadrak* (9.19), 1.232), which Dhahabi corroborated (*al-Talkhis* (9.19), 1.232). Daraqutni also relates from Umm Salama

that "the Prophet (Allah bless him and give him peace) when he used to recite the Qur'an would pause in his recital verse by verse: '*Bismi Llahi r-Rahmani r-Rahim: al-Hamdu li Llahi Rabbi l-'Alamin: ar-Rahmani r-Rahim: Maliki yawmi d-din.*'" Daraqutni said, "Its ascription is rigorously authenticated (sahih); all of its narrators are reliable" (*Daraqutni* (9.12), 1.312–13). These hadiths show that the Basmala was recited by the Prophet (Allah bless him and give him peace) as part of the Fatiha, and recited aloud.

Fourth, Bukhari relates in his *Sahih* that when Anas was asked how the Prophet (Allah bless him and give him peace) used to recite the Qur'an, "he answered: 'By prolonging [the vowels]'—and then he [Anas] recited '*Bismi Llahi r-Rahmani r-Rahim,*' prolonging the *Bismi Llah,* prolonging the *r-Rahman*, and prolonging the *r-Rahim*" (*Bukhari* (9.10), 6.241: 5046), indicating that Anas regarded this as part of the Prophet's *Qur'an* recital and that the Prophet (Allah bless him and give him peace) recited it aloud.

Fifth, Imam Nawawi reports that Daraqutni has recorded two hadiths, both from Ibn 'Abbas, and has said about each of them, "This is a rigorously authenticated (sahih) chain of transmission, there is not a weak narrator in it," of which the first is "The Prophet (Allah bless him and give him peace) used to recite '*Bismi Llahi r-Rahmani r-Rahim,*' aloud"; and the second is "The Prophet (Allah bless him and give him peace) used to begin the prayer with '*Bismi Llahi r-Rahmani r-Rahim*'" (*al-Majmu'* (9.62), 3.347).

(2) Imam Mawardi summarizes: "Because it is established that it is obligatory to recite the Fatiha in the prayer, and that the Basmala is part of it, the ruling for reciting the Basmala aloud or to oneself must be the same as that of reciting the Fatiha aloud or to oneself" (*al-Hawi al-kabir* (9.48), 2.139).

(3) Nawawi says: "Concerning reciting '*Bismi Llahi r-Rahmani r-Rahim*' aloud, we have mentioned that our position is that it is praiseworthy to do so. Wherever one recites the Fatiha and sura

aloud, the ruling for reciting the Basmala aloud is the same as reciting the rest of the Fatiha and sura aloud. This is the position of the majority of the ulema of the Sahaba and those who were taught by them (Tabi'in) and those after them. As for the Sahaba who held the Basmala is recited aloud at prayer, the hadith master (hafidh) Abu Bakr al-Khatib reports that they included Abu Bakr, 'Umar, 'Uthman, 'Ali, 'Ammar ibn Yasir, Ubayy ibn Ka'b, Ibn 'Umar, Ibn 'Abbas, Abu Qatada, Abu Sa'id, Qays ibn Malik, Abu Hurayra, 'Abdullah ibn Abi Awfa, Shaddad ibn Aws, 'Abdullah ibn Ja'far, Husayn ibn 'Ali, Mu'awiya, and the congregation of Emigrants (Muhajirin) and Helpers (Ansar) who were present with Mu'awiya when he prayed in Medina but did not say the Basmala aloud, for which they censured him, and he returned to saying it aloud" (*al-Majmu'* (9.62), 3.341).

These then are some of the reasons why scholars regard the Anas hadith in *Sahih Muslim* to be *mu'all* or "vitiated by a flaw." We cannot here discuss other aspects of the hadith such as the flaws in its chain of narrators, which are explained in detail in Zayn al-Din 'Iraqi's *al-Taqyid wa al-idah* ((9.39), 100–101), though the foregoing may give a general idea why the wording at its end of "not mentioning '*Bismi Llahi r-Rahmani r-Rahim*'" has been considered to be "vitiated by a flaw" by hadith masters (huffadh) such as Suyuti, 'Iraqi, Ibn Salah, Ibn 'Abd al- Barr, Daraqutni, and Bayhaqi—and why the shari'a ruling apparently deducible from it; namely, omitting the Basmala when reciting the Fatiha at prayer, has been rejected by Shafi'i, Nawawi, and others, who hold that the Basmala is recited aloud whenever the Fatiha is. The position of Abu Hanifa and Ahmad ibn Hanbal, it must be noted, is the middle view that one recites the Basmala *to oneself* before the Fatiha, thus reaching an accord between hadiths on both sides by interpreting the "omitting" in the Anas hadith in other than its apparent sense, to mean merely "reciting to oneself."

In any case, and this is the point, it is plainly not a story of "the hadith in *Sahih Muslim* that the Imams didn't know about,"

as some of the unlearned seriously suggest today, but rather a difference of opinion in hadith authentication involving the highest levels of shari'a scholarship.

Finally, this illustration shows that the statement which has become a commonplace in the some quarters nowadays to the effect that the books of Bukhari, Muslim, and others were not yet in existence in the times of the four mujtahid Imams, is true, but *trivially* true: first, because Bukhari and Muslim's sheikhs took their hadiths from the same sheikhs that Abu Hanifa, Malik, Shafi'i, and Ahmad took their hadiths from, with the same chains of transmission, back to the Prophet (Allah bless him and give him peace); that is, *the hadiths were the same hadiths* (dis: 8.2). But second, and perhaps more tellingly, it is trivial because mujtahid Imams reach independent judgements on the authenticity of particular hadiths based on their *own* knowledge, not merely by following the conclusions (taqlid) of other hadith experts, as most Muslims today do.

Studying the five conditions above for a *sahih* hadith and the differences about them among specialists shows why the mujtahid Imams of the schools sometimes differ with one another about whether a particular hadith, or a part of it, is really from the Prophet (Allah bless him and give him peace). Whoever believes that a single scholar, whether Bukhari, Muslim, or a contemporary sheikh, can finish off all differences of opinion about the acceptability of particular hadiths, should correct this misimpression by studying the issues a little more thoroughly.

What Muslims can realize from this is that when they find a hadith in *Sahih al-Bukhari* that one school of fiqh seems to follow and another does not, it may well be that differences in fiqh methodology, hadith methodology, or both, play a role.

Conclusions

To summarize all that has been said, we first pointed out that the knowledge which Muslims take from the Qur'an and hadith is of three types. The first is the knowledge of basic truths of Islamic

faith such as Allah and His attributes, the messengerhood of the Prophet (Allah bless him and give him peace), the belief in the Last Day, and so on. Every Muslim can and must learn this knowledge from the Book of Allah and the sunna, which is also the case for the second kind of knowledge: that of general Islamic principles to do good, to avoid evil, to perform the prayer, pay zakat, fast Ramadan, cooperate with others in good works, and so on. Anyone may take this knowledge directly for himself or herself from the Qur'an and hadith.

Then we discussed a third category of knowledge, which consists of *fiqh* or "understanding" of specific details of Islamic practice. We found in the Qur'an and rigorously authenticated (sahih) hadiths that people are of two types respecting this knowledge, those who are qualified to do ijtihad and those who are not. We mentioned the rigorously authenticated (sahih) hadith about "a man who judges for people while ignorant: he shall go to hell," showing that would-be mujtahids are criminals when they operate without training.

We saw the Qur'anic verse that established that a certain group of the Muslim community must learn and be able to teach others the specific details of their religion. We saw the verse that those who do not know must ask those who do, as well as the verse about referring matters to "those whose task it is to find it out."

We talked about these scholars, the mujtahid Imams, first, in regard to their comprehensive knowledge of the whole Qur'an and hadith textual corpus, and second, in respect to their depth of interpretation, and here we mentioned Qur'an and hadith examples that illustrate the processes by which mujtahid Imams join between multiple texts, and give precedence when there is ostensive conflict. Our concrete examples of ijtihad enabled us in turn to understand to whom the Imams addressed their famous remarks not to follow their positions without knowing the proofs. They addressed them to the first-rank scholars whom they had trained, and who were capable of grasping and evaluating the issues involved in these particular proofs.

We then saw that the Imams were also mujtahids in the matter of judging hadiths to be *sahih* or otherwise, and noted that, just as it is unlawful for a mujtahid Imam to do *taqlid* or "follow another mujtahid without knowing his evidence" in a question of fiqh, neither does he do so in the question of accepting particular hadiths. Finally, we noted that the differences in reliability ratings of hadiths among qualified scholars were parallel to the differences among scholars about the details of Islamic practice: a relatively small amount of difference in relation to the whole.

The point is that while every Muslim can take the foundation of his Islam directly from the Qur'an and hadith; namely, the main beliefs and general ethical principles he has to follow—for the specific details of fiqh of Islamic practice, knowing a Qur'anic verse or hadith may be worlds apart from knowing the shari'a ruling, unless one is a qualified mujtahid or is citing one.

As for would-be mujtahids who know some Arabic and are armed with books of hadith, they are like the would-be doctor we mentioned earlier: *if his only qualification were that he could read* English and owned some medical books, we would certainly object to his practicing medicine, even if it were no more than operating on someone's little finger. So what should be said of someone who knows only Arabic and has some books of hadith, and wants to operate on your *akhira*?

To understand why Muslims follow madhhabs, we have to go beyond simplistic slogans about "the divinely-protected versus the non-divinely-protected," and appreciate the Imams of fiqh who have operationalized the Qur'an and sunna to apply in our lives as shari'a, and ask ourselves if we really "hear and obey" when Allah tells us

> "Ask those who know well if you know not" (Qur'an 16:43).

8.2 Hadiths That the Mujtahid Imams Lacked (from 8.1)

8.2.a (n:) Because many of the considerations detailed above are no longer generally understood, some Muslims in our times

say that whoever follows the four schools is following them blindly, in other than the light of the sunna, as the Imams of them did not have all the hadiths that we have today. For example, the great hadith collections were not yet compiled in the times of the Imams, who were thus unable to incorporate their hadiths into their schools of thought. What may be said to such an objection?

It should be clear from the reasons given above that no one would translate *taqlid* or "following a mujtahid scholar" as *blind following of madhhabs* except someone radically uninformed about the qualifications it takes to be a mujtahid, and the nature and numbers of primary texts that a mujtahid must know to give a ruling in Sacred Law. Far from being blind, following qualified scholarship is no different than many things all of us do every day, such as taking medicine prescribed by a doctor for a common illness without ourselves having been to medical school, or entering a building without having studied the blueprints of the architects to establish whether it is safe. Though there is an element of trust in each of these events (and most others in our daily lives), we do not do them out of "blindness," but rather because the fabric of our lives is based on a "division of labor," which assigns different areas of experience to different specialists, without which civilization could not exist. It inspires our confidence because it works.

The observation common today among Muslims that the collections of Bukhari, Muslim, and others were compiled *after* the time of the mujtahid Imams and hence not available to them is of little significance to their work, for a number of reasons.

First, the mujtahid Imams already had the hadiths that compilers later gathered in their collections, having taken them from the same masters that the sheikhs of the compilers took theirs from, with the same chains of transmission back to the Prophet (Allah bless him and give him peace). The hadiths were the same hadiths: the compilers did not bring any new ones into existence.

Secondly, as explained above, the Imams did not depend as we do today upon the judgement of Bukhari, Muslim, or others as to the acceptability of hadiths—whether they were *sahih* or otherwise—but rather on their *own knowledge as mujtahids* of hadiths and narrators.

Thirdly, the most famous works do not contain all the hadiths, or even all the rigorously authenticated (sahih) ones. Imam Bukhari said, "I know by memory 100,000 authentic (sahih) hadiths, and 200,000 inauthentic hadiths" (Suyuti: *Tadrib al-rawi* (9.63), 1.50), and yet the hadiths of his *Sahih al-Bukhari* number only about 7,563, of which more than 3,000 are repetitions. *Sahih Muslim* contains around 3,033 hadiths not counting repetitions, and Muslim said, "Not everything I consider *sahih* have I put here; I have only put here what is agreed upon" (*Tadrib al-rawi* (9.63), 98). Abu Dawud said of his *Sunan,* which contains 5,274 hadiths, "I have written 500,000 hadiths from the Messenger of Allah (Allah bless him and give him peace), of which I have selected those contained in the books of sunnas" (*Tadrib al-rawi* (9.63), 50). Imam Ahmad ibn Hanbal said of his *Musnad,* which is probably the largest of the early compilations and contains some 27,647 hadiths, "I chose the *Musnad* from 750,000 hadiths" (*Tadrib al-rawi* (9.63), 49). Ibn Ma'in once remarked, "I have written one million hadiths with my hand" (*Tadrib al-rawi* (9.63), 50).

Although these Imams, as mentioned in the previous appendix in connection with Ahmad ibn Hanbal, tended to count each chain of transmission as a separate hadith and often included the statements of the Companions as well, it is clear from their words that the idea that only after the compilations of Bukhari, Muslim, and others could the mujtahid Imams have known "all the hadiths that we have today" is simply wrong. The hadiths existed before the compilers, they were public knowledge to scholars of hadith, including the Imams and their sheikhs, and their numbers far exceeded those of the subsequently compiled collections.

Fourthly, in respect to the contention that the Imams "did not

incorporate all the hadiths into their madhhabs"; while undoubtedly true in some instances (as knowledge of *all* hadiths is probably impossible), what they missed was not ignored by the succeeding generations of top scholars who followed them in each school, rechecking their evidence and conclusions, and revised their Imams' madhhabs. The madhhabs certainly did not lack hadith scholars, and as pointed out in the previous section, the Imams enjoined the scholars whom they had trained and who came after them to evaluate and revise, and their injunctions were carried out. This may be shown by examples.

The Shafi'i School

Early scholars debated which of the prescribed prayers is "the most superior prayer" mentioned in Sura al-Baqara in the verse "Carefully observe the prayers, and [especially] *al-salat al-wusta,* the most superior prayer" (Qur'an 2:238), in which *wusta* (literally, "midmost") refers, according to the Arabic idiom, to the choicest or best part of something, as attested by the use of the same comparative adjective, in its masculine form, in Sura al-Qalam: "The best of them (awsatuhum) said, 'Did I not tell you if only you would glorify [Allah, in repentance]'" (Qur'an 68:28), in which *awsatuhum* means "the best of them" (Mahalli: *Tafsir al-Jalalayn* (9.46), 759).

Now, the position of Imam Shafi'i was that the *salat al-wusta* or "most superior prayer" was the dawn prayer (fajr). The evidence for this is not only the numerous hadiths about the special merit of the dawn prayer, particularly when performed in a group (jama'a) at the mosque—but secondly, that in the Islamic calendar, the night of a particular date comes *before* the day, such that the sunset prayer (maghrib) is the first of the five prescribed prayers and the midafternoon prayer ('asr) is the last, making the dawn prayer (fajr) "midmost" between them. Cogent as this reasoning may be, scholars who came after Imam Shafi'i revised his opinion in light of the rigorously authenticated (sahih) hadith related by Muslim that 'Ali ibn Abi Talib (Allah ennoble his countenance) said,

> When it was the day of the [Battle of the] Confederates (al-Ahzab), the Messenger of Allah (Allah bless him and give him peace) said, "May Allah fill their graves and houses with fire: they have detained us and busied us from the midmost prayer (al-salat al-wusta) until the sun went down" (*Muslim* (9.55), 1.436: 627),

which is a *nass* or "text capable of only one interpretation" from the Prophet (Allah bless him and give him peace) that *al-salat al-wusta* as used in Sura al-Baqara means the midafternoon prayer ('asr) and no other. This is the kind of upgrading of the evidences that we are talking about. Imam Nawawi says:

> Despite this [wide knowledge of hadiths], Shafi'i (Allah have mercy on him) chose the way of greater precaution, because knowledge of all hadiths is not humanly possible, and he made the statement related from him through numerous narrators, enjoining [scholars] to take the rigorously authenticated hadith and disregard his position should it contravene an explicit, authentic, and unequivocal text (nass). Our scholars (Allah have mercy on them) have obeyed his injunction and applied it to numerous well-known legal questions" (*al-Majmu'* (9.62), 1.10–11).

The Hanafi School

This revising process is by no means confined to the Shafi'i madhhab, but is found in all schools. An example from the Hanafi school is the sunna of bathing (ghusl) before going to Friday prayer (jumu'a). The received position of the school is that the validity of this sunna bath is nullified if one's ablution (wudu) is broken between the bath and the Friday prayer, in which case one needs to bathe again to attain the reward of the sunna.

Yet we find in the *Radd al-muhtar* of Ibn 'Abidin, the foremost fatwa resource for the late Hanafi school, that Imam 'Abd al-Ghani Nabulusi, after mentioning the above ruling, notes that

there are two positions about it among scholars of the madhhab: The first is the position of those who hold the legal reason for this bath is purification (tahara), in which case nullifying one's ablution between it and the prayer would invalidate it. The second is the position of those who hold that the reason for the bath is *cleanliness* (nadhafa), in which case nullifying ablution and repeating it between the bath and the prayer would not invalidate it, for the extra ablution, if anything, increases cleanliness. Nabulusi adopts this second position because in his words "the hadiths on this matter imply that the aim is attaining cleanliness alone" (*Radd al-muhtar* (9.22), 1.114), and Ibn 'Abidin inclines towards it also, because of the hadiths about the merit of coming to the mosque from the first hour on Friday morning to wait for the congregational prayer (jumu'a). Abu Hurayra relates that the Prophet (Allah bless him and give him peace) said:

> Whoever bathes on Friday as he would for major ritual impurity (janaba), then goes early [to the mosque] is as though he has sacrificed a she-camel. Whoever goes in the second hour [of daylight] is as though he has sacrificed a cow. Whoever goes in the third hour is as though he has sacrificed a ram. Whoever goes in the fourth hour is as though he has sacrificed a chicken. Whoever goes in the fifth hour is as though he has offered an egg. And when the imam comes out [to begin the sermon], the angels [stop recording, and] come to listen to the remembrance" (*Bukhari* (9.10), 2.3–4: 881).

Ibn 'Abidin says of Nabulusi's position (that the bath (ghusl) on Friday is not invalidated by having to renew one's ablution before the Friday prayer):

> It is attested to by the demand to go early to the prayer, best done in the first hour of the day, which extends till sunrise. When doing this, it might prove difficult to keep one's ablution (wudu) until the time for the prayer arrives, especially on the longest days of the year. Repeating the bath would be

even more arduous, while [Allah says in Sura al-Hajj:] "He has not placed any hardship upon you in religion" (Qur'an 22:78). It might also lead to holding back from going to the bathroom while praying, which is unlawful" (*Radd al-muhtar* (9.22), 1.114).

Here we see an early position of the Hanafi school (that the Friday bath is nullified by having to renew one's ablution after it) reevaluated in light of a hadith by two of the school's principal later scholars, 'Abd al-Ghani Nabulusi and Ibn 'Abidin—just as in the previous example we saw Imam Shafi'i's opinion that *al-salat al-wusta* means the dawn prayer (fajr) revised by subsequent scholars to the sounder position that it means the midafternoon prayer ('asr).

The Hanbali School

There are hadiths to the effect that someone who neglects the prayer (salat) becomes a non-Muslim (kafir), hadiths which Imam Ahmad ibn Hanbal, in at least one of two positions related from him, seems to have taken literally. These include the well authenticated (hasan) hadith "Between the servant and polytheism or unbelief is leaving the prayer" (*Tirmidhi* (9.79), 5.13: 2619), and the hadith "The first thing you shall lose from your religion is the keeping of trusts: the last thing you shall lose from your religion is the prayer" (*Tabarani* (9.76), 9.353: 9754), of which Ahmad said, "Nothing remains of whatever the last has gone" (*al-Mughni* (9.36), 2.444).

Yet Ibn Qudama Maqdisi, who quotes these hadiths in his eleven-volume Hanbali fiqh compendium *al-Mughni*, understands their wording as *zajr* or "sharply warning" people from these actions by likening them to the actions of non-Muslims (kuffar), not that the actions themselves constitute outright unbelief. There are many hadiths with such wording, such as "Reviling a Muslim is wrongdoing, and fighting him is unbelief (kufr)" (*Bukhari* (9.10), 9.63: 7076), which emphasizes the enormity of the sin of fighting, not that it actually puts one beyond

the pale of Islam. And similarly, "The drinker of wine is like an idol-worshipper" (*Majma' al-zawa'id* (9.23), 5.70). Or like the hadith "If a man calls his brother a non-Muslim (kafir), it returns upon one of them" (*Muslim* (9.55), 1.79: 60), of which commentator Munawi says that what "returns upon one of them" is "the disobedience of considering him a non-Muslim," not the fact of *being* a non-Muslim (*Fayd al-Qadir* (9.54), 1.295), and of which Nawawi says in his commentary on *Sahih Muslim:*

> Its outward sense is not intended, for the position of Muslim Orthodoxy (Ahl al-Haqq) is that no Muslim commits unbelief through acts of disobedience such as murder, fornication, or calling one's brother an "unbeliever," unless one [thereby means that one] considers the religion of Islam [which he follows] to be false (*Sharh Sahih Muslim* (9.56), 2.49).

So too, the sense of *zajr* or "sharply warning" is how Ibn Qudama Maqdisi explains the wording of the hadiths that ostensively show that leaving the prayer is unbelief (kufr), interpreting them thus to reach an accord with other evidence, such as the rigorously authenticated (sahih) hadith

> Whoever testifies that there is no god but Allah alone without associate, and that Muhammad is His slave and messenger, and that Jesus is the slave of Allah, His messenger, His Word that He imparted to Mary, and a spirit from Him, and that paradise is true and hell is true—Allah shall enter him into paradise, no matter what his actions (*Bukhari* (9.10), 4.201: 3435).

This shows, like many other hadiths of similar purport, that a Muslim commits *kufr* only through outright *unbelief,* not through acts of disobedience, for otherwise he would not enter paradise (even if he should be punished first, as in other hadiths) on the generality of "no matter what his actions." Ibn Qudama cites this and other considerations, and gives his judgement that neglecting the prayer, though a heinous sin, is not itself unbelief

(*al-Mughni* (9.36), 2.446–47). Like the previous examples from the Shafi'i and Hanafi schools above, this illustrates how a top madhhab scholar may restudy hadith evidence and suggest an upgrading of the received position of his Imam in light of it.

In point of *fatwa* or "formal legal opinion," it should be noted that the authoritative position of the Hanbali school is that someone who neglects the prayer is asked to repent and ordered to pray: if he does not, he is executed for unbelief (as he is considered to have denied the obligatoriness of the prayer, which is disbelief), though if he does, he is released. Such a person may not be considered a non-Muslim (kafir) or executed until he has been asked to repent and perform the prayer and has refused (Bahuti: *Kashshaf al-qina'* (9.8), 1.228–29).

The Maliki School

The received position of the Maliki madhhab is that if someone eats or drinks absentmindedly during a fast, this vitiates the fast-day, and he is obliged to make it up if it was obligatory, such as a day of Ramadan (*Risala Ibn Abi Zayd al-Qayrawani* (9.64), 176). Yet Maliki scholar Ibn Rushd in his *Bidaya al-mujtahid* [The beginning of the mujtahid] (*al-Hidaya fi takhrij ahadith al-Bidaya* (9.18), 5.188) quotes the rigorously authenticated (sahih) hadith of Abu Hurayra in Bukhari and Muslim that the Prophet (Allah bless him and give him peace) said,

> When someone forgets and eats or drinks, let him complete his fast, for it is but Allah who has fed him and given him drink (*Bukhari* (9.10), 3.40: 1933).

Some Maliki scholars, supporting the position that absentmindedly eating or drinking vitiates the fast, have suggested that what is meant by the hadith's words "let him complete his fast" is the *lexical* sense of fasting, which is simply "to refrain from eating"—the hadith signifying that someone who eats absentmindedly (vitiating his fast, in their view) must refrain from food for the rest of the day, as is also the case with a woman, for

example, whose menstrual period ceases in the middle of a day of Ramadan: though the fast-day does not count for her, she is obliged to refrain from food till sundown because of the inviolability of the day. This *linguistic* sense of "fasting," they say, is the import of "let him complete his fast." This interpretation fails, as Sheikh Nuh 'Ali Salman writes,

> because the words of primary texts are initially understood in their *shari'a sense* whenever possible, and only if this is impossible are they interpreted according to their linguistic sense. Here, it ["fasting"] must be understood in its shari'a sense, since the hadith says, "let him complete his fast," that is, his preceding fast, which was a legal fast [of a day of Ramadan], not a linguistic "fast" [of merely going without food] (*Qada' al-'ibadat* (9.65), 138).

The Maliki scholar Abu Bakr ibn al-'Arabi disagrees, and explains why he believes the words "let him complete his fast" should not be taken literally:

> "Fasting" is but refraining from eating, and cannot coexist with eating, for the two are opposites, and a person cannot be performing what he is obliged to or making it up when its integral element and reality does not remain or exist. Consider what vitiates ablution (wudu), which is the necessary precondition of the prayer; namely, the things that nullify ablution (hadath) [e.g. using the bathroom]. When any of them happens, deliberately or not, it vitiates purification (*'Arida al-ahwazi* (9.80), 3.247).

As for the above hadith, which seems to show that the fast is nullified by absentmindedly eating, Ibn al-'Arabi mentions the Maliki position

> that according to the methodology of Malik, if the hadith of a single narrator conflicts with an established principle [namely, that the lack of a *rukn* or "obligatory integral" (here, refraining from eating) nullifies the action (a valid fast)], then

the hadith cannot be acted upon (*'Arida al-ahwazi* (9.80), 3.248).

Yet hadith specialist Ahmad al-Ghumari, also a Maliki, in his commentary on Ibn Rushd's *Bidaya al-mujtahid* challenges the Maliki position that a fast is vitiated by absentmindedly eating or drinking, adducing variants of the above Bukhari hadith such as that related in the *Sunan* of Daraqutni:

> When someone fasting absentmindedly eats or drinks, it is but sustenance (rizq) that Allah has sent to him, and he is not obliged to make it up (Daraqutni (9.12), 2.178: 27),

—which is a rigorously authenticated (sahih) hadith proving that the legal act of fasting is what is meant by the above hadith, and that absentmindedly eating or drinking does not vitiate this fast (*al-Hidaya fi takhrij ahadith al-Bidaya* (9.18), 5.188). One might object that these hadiths could be taken to refer to supererogatory fasts, and not obligatory fasts. And in fact, this is the position of the Maliki madhhab; that only *obligatory* fast-days absentmindedly vitiated need be made up, not supererogatory ones (*Risala Ibn Abi Zayd al-Qayrawani* (9.64), 176). But Ghumari adduces another rigorously authenticated (sahih) version of the hadith:

> Whoever absentmindedly breaks his fast in the month of Ramadan is not obliged to make it up or expiate it (*Daraqutni* (9.12), 2.178: 28),

which he states "has also been related by Hakim [*al-Mustadrak* (9.19), 1.430] and Bayhaqi [*Bayhaqi* (9.9), 4.229]: Hakim says, 'It is rigorously authenticated (sahih) according to the standards of Muslim, though neither [Bukhari nor Muslim] related it with this wording'; and Bayhaqi says, '[Muhammad ibn 'Abdullah] al-Ansari alone related it from Muhammad ibn 'Amr [ibn 'Alqama], though all its narrators are reliable'" (*al-Hidaya fi takhrij ahadith al-Bidaya* (9.18), 5.189).

These hadiths show Ghumari that first, though it may be intuitively plausible, in Abu Bakr ibn al-'Arabi's words, that "fasting is but refraining from eating, and cannot coexist with eating," the Prophet (Allah bless him and give him peace) has apprised us that eating or drinking *absentmindedly* is an exception, by saying in the Bukhari hadith that "when someone forgets and eats or drinks, let him *complete his fast.*" The word *fast* may not, on the one hand, be interpreted in a merely linguistic sense, because the Daraqutni hadith's words "and he is not obliged to make it up" apply only to the legal act of fasting; and cannot refer, on the other hand, to supererogatory fasts alone, for these do not happen "in the month of Ramadan." Secondly, it is not a case of a hadith of a single narrator conflicting with the school's received position, but rather several versions with multiple and different channels of transmission.

This leads Ghumari to say, in his hadith commentary on the *Risala* of Ibn Abi Zayd al-Qayrawani where the author writes, "and if one breaks one's [supererogatory] fast absentmindedly, one is not obliged to make it up—as opposed to the obligatory [fast]":

> This distinction [between obligatory and nonobligatory] lacks any acceptable proof, nor is there any evidence for it in the Qur'an or hadith at all. Rather, it contradicts the explicit content of the primary texts, and Allah knows better what evidence Malik relied on therein (*Masalik al-dalala* (9.17), 109–10).

To be sure, Imam Malik was greater than contemporary scholars in knowledge of the Qur'an and sunna, not the least because of his proximity to the time of the Prophet (Allah bless him and give him peace) and his personal observation of the *'amal* or "invariable sunna practice" of earliest Muslims—as opposed to the merely verbal channels of transmission of hadiths relied upon by those after him. But it is clear in any case that Ghumari's discussion is not one of "blind following" of the Maliki madhhab, but rather an example from the literature of the

madhhab itself that shows how the school's evidence has been examined and evaluated by subsequent Maliki scholars.

Summary

The claim of some individuals of our times that "whoever follows the four schools is following them blindly, as the Imams did not have all the hadiths we have today or incorporate them into their schools of thought" shows a need for education. It could only be made by someone unfamiliar with what schools of jurisprudence are and how they work, for the fiqh embodied in a madhhab does not represent the work of the founder alone, blindly followed, but of a great many scholars, whose critique and upgrading of the legacy of their Imams we have seen examples of in every school. The last example from the Maliki school, like the previous ones from the Shafi'i, Hanafi, and Hanbali schools, is but a small detail in the whole expansive canvas of these labors. While the number of examples given above cannot do justice to the scope of this enterprise, the few we have mentioned should give an idea just how benighted it is to use the expression "blind following of madhhabs" to describe what schools of jurisprudence do.

Muslims throughout the ages have followed the four schools of jurisprudence not only because of the completeness of their deductive methodology and their mastery of the Qur'an and hadith primary texts, but because it is clear that a large collectivity of scholars in historical succession is more likely to sift out and correct errors than, for example, the sheikh of one's neighborhood, the *'alim* of one's city, the mufti of one's region, or the hadith scholar with whom one's peers are currently most impressed.

This is especially true in view of the division of labor among scholars contributing to the madhhabs, who were specialists in Qur'anic exegesis (tafsir), hadith, fiqh, methodological bases of jurisprudence (usul al-fiqh), and other fields. While the Imam of a school must know all of these sciences to be qualified as a *mujtahid mutlaq* or "absolute mujtahid" capable of giving

judgement on any topic of jurisprudence, specialists in particular sciences may well contribute from their own field of study. It is thus unsurprising that most of Islam's greatest authorities on hadith, the *huffadh*, those with over 100,000 hadiths by memory, considered themselves followers of one of the four madhhabs.

Imam Bukhari learned his jurisprudence (tafaqqaha) from the disciple of Imam Shafi'i, 'Abdullah ibn Zubayr al-Humaydi, and studied with Shafi'i's disciples Za'farani, Abu Thawr, and Karabisi, which is why Imam Taj al-Din al-Subki lists him with other Shafi'i scholars in his *Tabaqat al-Shafi'iyya al-kubra* [Greater Compendium of Generations of Shafi'i Scholars] ((9.73), 2.214). His judgement that Bukhari was a Shafi'i is borne out by the many chapter headings in *Sahih al-Bukhari* that indicate Bukhari's fiqh positions and correspond in the main to positions of the Shafi'i school. But this remains an inference, for we do not have an early source that speaks about Bukhari's madhhab (or describes him, on the contrary, as being himself a mujtahid), perhaps because early biographers felt his fiqh to be peripheral to his central importance as a hadith Imam.

Imams Muslim, Tirmidhi, and Abu Dawud, according to Mansur 'Ali Nasif, an Egyptian hadith scholar of the twentieth century, all "worshipped according to the Shafi'i school" (*al-Taj al-jami' li al-usul* (9.58), 1.16). So did Imams Nasa'i (*Tabaqat al-Shafi'iyya* (9.73), 3.14), Bayhaqi (ibid., 4.8), Hakim (ibid., 4.155), Abu Nu'aym (ibid., 4.18), Ibn Hibban (ibid., 3.131), Daraqutni (ibid., 3.462), Baghawi (ibid., 7.75), Ibn Khuzayma (ibid., 3.109), Suyuti (*al-Hawi li al-fatawi* (9.74), 1.5), Dhahabi (*Tabaqat al-Shafi'iyya* (9.73), 9.100), Ibn Kathir (*Tafsir al-Qur'an al-'Adhim* (9.29), 1.2), Nur al-Din al-Haythami (*Majma' al-zawa'id* (9.23), 1.2), Mundhiri (*Tabaqat al-Shafi'iyya* (9.73), 8.259), Ibn Salah (*al-Taqyid wa al-idah* (9.39), 17), Zayn al-Din al-'Iraqi (ibid., 20), Wali al-Din al-'Iraqi (*Tabaqat al-Shafi'iyya li Ibn Qadi Shuhba* (9.34), 4.80), Ibn al-Athir (*al-Nihaya* (9.25), 1.9), Ibn Hajar al-'Asqalani (*Taghliq al-ta'liq* (9.3), 1.109), Taqi al-Din (father of Taj al-Din) al-Subki (*Tabaqat al-Shafi'iyya* (9.73), 10.141), Jamal al-Din al-Mizzi (*Tahdhib al-kamal* (9.52),

1.21), and others. Each of these was a *hafidh* of over 100,000 hadiths, in both texts and chains of transmission.

Malik and Ahmad ibn Hanbal were of course not only hadith Imams, but mujtahids who founded the madhhabs that bear their names.

The Hanafi school counted among its followers such hadith Imams as 'Ali al-Qari (*al-A'lam* (9.83), 5.12), Badr al-Din al-'Ayni (*'Umda al-qari* (9.4), 1.30), Abu Ja'far al-Tahawi (*Mukhtasar al-Tahawi* (9.77), 3), and Jamal al-Din al-Zayla'i, the African sheikh of Ibn Hajar al-'Asqalani who was thought by some to have been even more knowledgeable than his student (*Nasb al-raya* (9.82), 1.5). The Maliki school had Ibn 'Abd al-Barr (*al-A'lam* (9.83), 8.240), and Qadi 'Iyad (*al-Shifa* (9.40), 1.21), while the Hanbali school had Imam 'Abd al-Rahman ibn al-Jawzi (*Daf' shubah al-tashbih* (9.28), 24–26) and Ibn Rajab (*Sharh 'Ilal al-Tirmidhi* (9.37), 1.7). It is plain that one would have to get up very early in the morning to find a hadith these men did not know.

Apart from hadith, in the other fields as well, the number and specialization of scholars of the madhhabs have resulted in a body of legal work that in its evidence, range, and detail, demands more than a facile dismissal with slogans about "blind following of madhhabs."

Finally, if educational necessities such as producing scholars specialized enough to learn and teach a particular madhhab have historically resulted in geographical affiliations of Muslims to one or the other of the schools, for example, the Maliki school in North and West Africa, or the Hanafi school in Pakistan and India—their following the schools of their forefathers is not a blind tradition, but rather a tradition of following sound scholarship. And this is something praiseworthy in the Islamic ethic, not blameworthy.

8.3 A Warning Against Careless Accusations of Unbelief (from 1.4)

8.3.a (Muhammad 'Alawi al-Maliki:) Many people err, may

Allah correct them, in understanding the real reasons that put a person beyond the fold of Islam and necessitate that he be considered an unbeliever . . .

There is scholarly consensus (ijma‘, def: 8.5) that it is unlawful to charge with unbelief anyone who faces Mecca to pray, unless he denies the Almighty Creator, Majestic and Exalted, commits open polytheism that cannot be explained away by extenuating circumstances, denies prophethood, or something which is necessarily known as being of the religion, or which is *mutawatir* (n: i.e. the Qur'an, or those hadiths which like the Qur'an have been related by whole groups of individuals from whole groups, in multiple contiguous channels of transmission leading back to the Prophet (Allah bless him and give him peace) such that the sheer number of separate channels at each stage of transmission is too many for it to have been possible for all to have conspired to fabricate them, and which are thereby obligatory to believe in and denial of which is unbelief (kufr)), or which there is scholarly consensus (ijma‘) upon its being necessarily known as part of the religion. *Necessarily known* means such things as the oneness of Allah, the attributes of prophethood, that prophetic messengerhood has ended with Muhammad (Allah bless him and give him peace), the resurrection on the Last Day, the Final Reckoning, the recompense, and paradise and hell—the denier of any of which is an unbeliever, and which no Muslim has an excuse for ignorance of, unless he is a new convert to Islam, who is excused until he can learn, but not afterwards.

To judge a Muslim an unbeliever for anything besides the above is a very dangerous thing, as has come in the hadith,

“If someone says to his fellow Muslim, ‘You unbeliever,’ one of them deserves the name.”

It is not valid for such a judgement to proceed from anyone except someone who knows the things that involve unbelief from those that acquit one of it in the light of the Sacred Law, and the strict demarcation between faith and unbelief according to the standards of the Law of Islam. It is not permissible for any

human being to rush onto the field and charge another with unbelief on the basis of opinions and imaginings without having checked and made sure, and without firm knowledge.

. . . Because of this, we urge the utmost caution, in other than the above-mentioned cases, against careless accusations of unbelief, for they are extremely dangerous. And Allah guides to the best of ways, and unto Him is the final destination (*Mafahim yajibu an tusahhaha* (9.47), 5–7).

Deviations and Aberrations That Are Unquestionably Invalid

8.3.b (Muhammad Sa'id al-Buti:) We do not consider *deviations* and *aberrations* to include any position reflecting a disagreement between Islamic scholars resulting from their differences on derived rulings or particular applications of Sacred Law, for these all return to its basic methodology. Rather, we categorically affirm that this is a normal variance entailed by the very nature of the matter (dis: 8.13) and its methodological bases, though we subject these various viewpoints to an examination of which is the soundest, classifying them according to their relative strengths and weaknesses, each of us through his own reasoning (*ijtihad* (def: 8.14)) and judgement.

Nor do deviant and aberrant opinions necessarily entail the unbelief of those who hold them, or being beyond the pale of Islam. Rather, there are some opinions so deviant that they reach the degree of negating what is necessarily known as being of the religion, leading to what the Prophet (Allah bless him and give him peace) termed open unbelief; others whose deviance reaches only the degree of being a violation of the methodological principles concurred upon by scholars of the Arabic language and hence by scholars of Islamic Law, entailing blameworthy innovation (bid'a), and perhaps corruption and turning from the truth without excuse; and still others whose deviance and aberrance wavers between reaching actual unbelief and merely falling within the bounds of corruption and blameworthy innovation, the honest and sincere investigator not finding any firm

basis to consider them unbelief, yet not being able to accept with confidence that they are only a marginal deviance that does not compromise the person who holds them or put him outside of Islam. In dealing with this category of deviations and intellectual aberrances, we prefer to follow the way of greater precaution, which in this context consists of understanding people's states insofar as possible as if they were still within the fold of Islam and under its rubric. For the mistake of giving them the benefit of the doubt does not entail the losses entailed by making a mistake by not giving them it and accusing them of unbelief and having left Islam. Despite which, we spare no effort to explain their corruption, and that they have innovated something Allah Mighty and Majestic has not given them leave to; explaining their deviation from the methodology agreed upon by the scholars of this Community and warning people not to be misled by them or affected by their falsehoods (*al-Salafiyya marhala zamaniyya mubaraka la madhhab Islami* (9.11), 109–10).

8.4 The Acceptance of Fate (from 1.7)

Things Inconsistent with the Acceptance of Fate

8.4.a (Ghazali:) Complaining, no matter what the circumstances, is inconsistent with accepting fate. Criticizing food and finding fault with it is a rejection of what Allah Most High has destined, since blaming what is made is blaming the maker, and everything is Allah's work. For a person to say that "poverty is an affliction and trial," or "having a family to support is a worry and fatigue," or "working for a living is burden and hardship"—all this is inconsistent with accepting fate. One should rather leave the plan to its planner, the kingdom to its king, and say, as 'Umar did (Allah be well pleased with him), "I do not care whether I become rich or poor, for I don't know which is better for me."

Things Not Inconsistent with the Acceptance of Fate

8.4.b As for prayers (du'a), Allah requires us to worship Him thereby, as is substantiated by the great many supplications made by the Messenger of Allah (Allah bless him and give him peace) and all the prophets (upon whom be peace). Praying for forgiveness, for Allah's protection from committing acts of disobedience, and indeed for all means that assist one in practicing one's religion—none of these is inconsistent with accepting what Allah Most High has destined, for Allah demands the worship of supplications from His servants so that their prayers may bring forth the purity of His remembrance, a humility of soul, and the softening of earnest entreaty so as to polish the heart, open it to spiritual insight, and obtain the manifold blessings of His kindnesses—just as carrying a pitcher and drinking water are not inconsistent with the acceptance of Allah's having decreed thirst. As drinking water to eliminate thirst is merely to employ one of the means that the Creator of Means has arranged, so too is prayer an instrumental relation that Allah Most High has devised and ordered to be used.

To employ such means, in conformity with the normal way Allah Most High deals with the world (sunnat Allah), is not inconsistent with full confidence in divine providence (tawakkul). Nor is hating acts of disobedience, detesting their perpetrators and causes, or striving to remove them by commanding the right and forbidding the wrong; none of which is inconsistent with accepting fate, though some deluded good-for-nothings have erred in this, claiming that since acts of disobedience, wickedness, and unbelief are from the destiny and decree of Allah Mighty and Majestic, accepting them is obligatory—while this is rather from their lack of understanding and blindness to the deep purposes of Sacred Law. For Allah requires that we worship Him by condemning acts of disobedience, hating them, and not acquiescing to them, and blames those who accept them by saying:

"They willingly accept a worldly life and are contented with it" (Qur'an 10:7);

and

"They accept to remain with the women who stay behind; and a seal has been set upon their hearts" (Qur'an 9:87).

And in a well known maxim,

"Whoever sees something wrong and accepts it is as though he had committed it."

It might be objected that Qur'anic verses and hadiths exist about accepting what Allah Most High has destined, while it is impossible and inconsistent with the divine unity that acts of disobedience should not be through Allah's having decreed them, and yet if they are from the decree of Allah Most High, then hating and detesting them is hatred of the decree of Allah, so how can one reconcile these two seemingly contradictory aspects or join between the acceptance and hatred of one and the same thing?

The answer to this is that acceptance and displeasure are only inconsistent when directed towards a single aspect of a single object in a single respect. For it is not inconsistent to dislike something in one respect and accept it in another, as when one's enemy dies who was the enemy of another of one's enemies and was striving to destroy him, such that one dislikes his death insofar as the nemesis of one's enemy has died, yet accepts it in that at least one of them has died. And so too, disobedience has two aspects, one regarding Allah Most High, since it is His effect, choice, and will, in which respect one accepts it out of deference to the Sovereign and His sovereignty, assenting to His disposal of the matter; and another aspect regarding the perpetrator, since it was his acquisition and attribute, the sign of his being detested and odious to Allah, who has afflicted him with the causes of remoteness and hatred, in respect to which he is condemnable and blameworthy.

And this clarifies the Qur'anic verses and hadiths about hatred for the sake of Allah and love for the sake of Allah, being unyielding towards the infidels, hard against them, and detesting them, while accepting the destiny of Allah Most High insofar

as it is the decree of Allah Mighty and Majestic (*Ihya' 'ulum al-din* (9.16), 4.300–303).

8.5 Scholarly Consensus (Ijma') (from 1.8)

8.5.a ('Abd al-Wahhab Khallaf:) Scholarly consensus (ijma') is the agreement of all the mujtahids (def: 8.14) of the Muslims existing at one particular period after the Prophet's death (Allah bless him and give him peace) about a particular ruling regarding a matter or event. It may be gathered from this that the integral elements of scholarly consensus are four, without which it is invalid:

(a) that a number of mujtahids exist at a particular time;

(b) that all mujtahids of the Muslims in the period of the thing or event agree on its ruling, regardless of their country, race, or group, though non-mujtahids are of no consequence;

(c) that each mujtahid present his opinion about the matter in an explicit manner, whether verbally, by giving a formal legal opinion on it, or practically, by giving a legal decision in a court case concerning it;

(d) and that all mujtahids agree on the ruling, for if a majority of them agree, consensus is not effected, no matter how few those who contradict it, nor how many those who concur.

8.5.b When the four necessary integrals of consensus exist, the ruling agreed upon is an authoritative part of Sacred Law that is obligatory to obey and not lawful to disobey. Nor can mujtahids of a succeeding era make the thing an object of new ijtihad, because the ruling on it, verified by scholarly consensus, is an absolute legal ruling that does not admit of being contravened or annulled.

8.5.c The proof of the legal authority of scholarly consensus is that just as Allah Most Glorious has ordered the believers, in the Qur'an, to obey Him and His messenger, so too He has ordered

them to obey *those of authority* (ulu al-amr) among them, saying,

> "O you who believe: Obey Allah and obey the Prophet and those of authority among you" (Qur'an 4:59),

such that when those of authority in legal expertise, the mujtahids, agree upon a ruling, it is obligatory in the very words of the Qur'an to follow them and carry out their judgement.

And Allah threatens those who oppose the Messenger and follow other than the believers' way, saying,

> "Whoever opposes the Messenger after guidance has become clear to him and follows other than the believers' way, We shall give him over to what he has turned to and roast him in hell, and how evil an outcome" (Qur'an 4:115).

8.5.d A second evidentiary aspect is that a ruling agreed upon by all the mujtahids in the Islamic Community (Umma) is in fact the ruling of the Community, represented by its mujtahids, and there are many hadiths that have come from the Prophet (Allah bless him and give him peace), as well as quotes from the Companions (Sahaba), which indicate that the Community is divinely protected from error, including his saying (Allah bless him and give him peace):

(1) "My Community shall not agree on an error" (n: translator could not locate it with this wording);

(2) "Allah is not wont to make my Community concur on misguidance" (n: *al-Mustadrak* (9.19), 1.115);

(3) "That which the Muslims consider good, Allah considers good" (n: *Ahmad* (9.26), 6.84: 3600, well-authenticated from the Companion Ibn Mas‘ud, not a prophetic hadith).

(*'Ilm usul al-fiqh* (9.45), 45–47)

8.5.e (n: Another hadith that scholars quote in connection with the validity of scholarly consensus is the following, given with its commentary.)

The Prophet (Allah bless him and give him peace) said, "Allah's hand is over the group, and whoever dissents from them departs to hell" (n: *Tirmidhi* (9.79), 4.466: 2167).

Allah's hand is over the group,

('Azizi:) Munawi says, "Meaning His protection and preservation of them, signifying that the collectivity of the people of Islam are in Allah's fold, so be also in Allah's shelter, in the midst of them, and do not separate yourselves from them." The rest of the hadith, according to the one who first recorded it (n: Tirmidhi), is

and whoever dissents from them departs to hell.

Meaning that whoever diverges from the overwhelming majority (n: of qualified scholars) concerning what is lawful or unlawful and on which the Community does not differ has slipped off the path of guidance, and this will lead him to hell (*al-Siraj al-munir sharh al-Jami' al-saghir* (9.5), 3.449).

8.6 Blameworthy Innovation (Bid'a) (from 1.8)

8.6.a The Prophet (Allah bless him and give him peace) said, ". . . Beware of matters newly begun, for every innovation is misguidance."

Beware of matters newly begun

(Muhammad al-Jurdani:) meaning, "Distance yourselves and be wary of matters newly innovated that did not previously exist," that is, invented in Islam that contravene the Sacred Law,

for every innovation is misguidance

meaning that every innovation is the opposite of the truth, i.e. falsehood, a hadith that has been related elsewhere as:

for every newly begun matter is innovation, every innovation is misguidance, and every misguidance is in hell

meaning that everyone who is misguided, whether through himself or by following another, is in hell, the hadith referring to

matters that are not good innovations with a basis in Sacred Law. It has been stated (n: by al-'Izz ibn 'Abd al-Salam) that innovations (bid'a) fall under the five headings of the Sacred Law (n: the obligatory, unlawful, recommended, offensive, and permissible):

(1) The first category comprises innovations that are *obligatory,* such as recording the Qur'an and laws of Islam in writing when it was feared that something might be lost from them; the study of the disciplines of Arabic that are necessary to understand the Qur'an and sunna such as grammar, word declension, and lexicography; hadith classification to distinguish between genuine and spurious prophetic traditions; and the philosophical refutations of arguments advanced by the Mu'tazilites (n: an early philosophical school that subjected the fundamentals of Islamic faith to rationalistic theories) and the like.

(2) The second category is that of unlawful innovations such as non-Islamic taxes and levies (n: that exceed the amount necessary to prevent the public detriment), giving positions of authority in Sacred Law to those unfit for them, and devoting one's time to learning the beliefs of heretical sects that contravene the tenets of faith (def: 1.1–4) of Ahl al-Sunna.

(3) The third category consists of recommended innovations such as building hostels and schools of Sacred Law, recording the research of Islamic schools of legal thought, writing books on beneficial subjects, extensive research into fundamentals and particular applications of Sacred Law, in-depth studies of Arabic linguistics, the reciting of *wird*s (n: a daily amount of dhikr) by those with a Sufi path (def: 7.1), and commemorating the birth (mawlid) of the prophet Muhammad (Allah bless him and give him peace) and wearing one's best and rejoicing at it.

(4) The fourth category includes innovations that are *offensive,* such as embellishing mosques, decorating the Qur'an, and having a backup man (muballigh) loudly repeat the spoken Allahu Akbar of the imam when the latter's voice is already clearly audible to those praying behind him.

(5) The fifth category is that of innovations that are *permissible,* such as sifting flour, using spoons, and having more enjoyable food, drink, and housing.

(*al-Jawahir al-lu'lu'iyya* (9.42), 220–21)

8.6.b ('Abdullah Muhammad al-Ghumari:) In his *al-Qawa'id al-kubra,* al-'Izz ibn 'Abd al-Salam classifies innovations (bid'a), according to their benefit, harm, or indifference, into the five categories of rulings: the obligatory, recommended, unlawful, offensive, and permissible; giving examples of each and mentioning the principles of Sacred Law that verify his classification. His words on the subject display his keen insight and comprehensive knowledge of both the principles of jurisprudence and the human advantages and disadvantages in view of which the Lawgiver has established the rulings of Sacred Law.

Because his classification of innovation (bid'a) was established on a firm basis in Islamic jurisprudence and legal principles, it was confirmed by Imam Nawawi, Ibn Hajar al-'Asqalani, and the vast majority of Islamic scholars, who received his words with acceptance and viewed it obligatory to apply them to the new events and contingencies that occur with the changing times and the peoples who live in them.

One may not support the denial of his classification by clinging to the hadith "Every innovation is misguidance," because the only form of innovation that is without exception misguidance is that concerning tenets of faith, like the innovations of the Mu'tazilites, Qadarites, Murji'ites, and so on, that contradicted the beliefs of the early Muslims. This is the innovation of misguidance because it is harmful and devoid of benefit.

As for innovation in works, meaning the occurrence of an act connected with worship or something else that did not exist in the first century of Islam, it must necessarily be judged according to the five categories mentioned by al-'Izz ibn 'Abd al-Salam. To claim that such innovation is misguidance without further qualification is simply not applicable to it, for new things are among the exigencies brought into being by the passage

of time and generations, and nothing that is new lacks a ruling of Allah Most High that is applicable to it, whether explicitly mentioned in primary texts, or inferable from them in some way. The only reason that Islamic Law can be valid for every time and place and be the consummate and most perfect of all divine laws is that it comprises general methodological principles and universal criteria, together with the ability its scholars have been endowed with to understand its primary texts, the knowledge of types of analogy and parallelism, and the other excellences that characterize it. Were we to rule that every new act that has come into being after the first century of Islam is an innovation of misguidance without considering whether it entails benefit or harm, it would invalidate a large share of the fundamental bases of Sacred Law as well as those rulings established by analogical reasoning, and would narrow and limit the Sacred Law's vast and comprehensive scope (*Adilla Ahl al-Sunna wa al-Jama'a* (9.67), 145–47).

8.7 Transliteration Note

8.7.a (n:) The present volume, with a few exceptions, uses the conventional Arabic transliteration found in American scholarly publications of Middle Eastern studies such as those of the University of Chicago Press and others. It differs from the usual system in symbolizing the letter ظ as ḍh instead of ẓ, to better represent the classical Arabic pronunciation, and by parenthesizing the final letter where pauses are likely. At such junctures, the parenthesized letter is not pronounced if one pauses, though *is* pronounced if there is no pause between it and subsequent words. Finally, if in such a case a parenthesized n is pronounced after a long ā, as for example in the word kathīrā(n), the a becomes short.

8.8 Supporting Family Members (from 4.10)

8.8.a (R:) It is obligatory to support the persons listed below, whether one is male or female, when one has money in excess

of one's own living expenses and (if male) those of one's wife (meaning enough for a day and night, oneself taking priority over others, followed by one's wife, who takes precedence over other family members):

(1) one's father, father's father, and on up;

(2) one's mother, grandmothers (from either parent's side) and on up;

(3) and one's children, male and female, their children, and on down.

(Money in excess of one's own living expenses and those of one's wife means one is obliged to sell, if necessary to fulfill the obligation to support the above-mentioned persons, whatever must be sold when one has to pay debts, including real estate and other property.)

But supporting the above-mentioned persons is only obligatory when:

(a) there is poverty (a restriction applicable to both support of one's ancestors and one's descendants, meaning that it is necessary in order for it to be obligatory to support one's ancestor that the ancestor be poor, since if he has enough money, one need not support him);

(b) and incapacity to earn a living, whether due to chronic illness, to being a child, or to mental illness. This condition is only applicable to support of one's offspring, not of one's ancestors. If an impoverished ancestor, such as one's father, were able to earn a living from a job suitable to him, it would still be obligatory to support him, and he would not be called upon to earn a living, because of the extreme respect due to him, as opposed to one's descendant, whom one need not support if the descendant is able to earn his own living, but who rather is called upon to do so himself.

The upshot is that the support of whoever has enough money for his own support is not obligatory upon another family member, no matter whether the former is mentally ill or sane, a child or

adult, chronically ill or well; because he does not deserve charity in such a condition—while a descendant able to earn an adequate living does not deserve support from his ancestors.

8.9 Students of Sacred Law Accepting Zakat (from 4.11(1(b)))

8.9.a (Ghazali:) If someone attaining knowledge of Sacred Law would be prevented from doing so if he were to engage in earning a living, he is considered "poor" (in respect to the permissibility of his accepting zakat), and his ability to earn is not taken into consideration. But if he is merely a devotee whose gaining a livelihood would busy him from his religious devotions and schedule of supererogatory worship, then he must go earn a living, for earning is more important than devotions.

. . . The second category consists of those who are short of money (miskin), i.e. whose income does not cover their expenses. Someone might possess a thousand dirhams and be "short of money," while another might possess nothing but an axe and rope and be self-sufficient. The modest lodgings one lives in and the clothes that cover one, to the degree required by one's condition, do not negate one's being short of money. Nor do household furnishings, meaning those which one needs and are suitable for one. Nor does possessing books of law negate one's being short of money (n: if one is a student of Sacred Law accepting zakat, as above), for if one owned nothing but books, one would not be obligated to pay the zakat of 'Eid al-Fitr (def: 4.10), since books are legally considered as clothing and furnishings are, in that one needs them. One should, however, take the way of greater precaution in curbing one's need of books. Books are only needed for three purposes: teaching, personal benefit, and reading for entertainment. As for the need of reading for entertainment, it is not considered legally significant such as with books of poetry, historical chronicles, and similar, which are of no benefit in the hereafter and no use in this life except reading and enjoyment. Such books must be sold to pay what is due when one owes an expiation or the zakat of 'Eid al-Fitr, and

someone possessing them is not considered "short of money." As for the need to teach, if one needs a book to earn a living, as do trainers, teachers, or instructors who work for a salary, such books are the tools of their trade and are not sold to pay the zakat of 'Eid al-Fitr, nor are one's books sold if one teaches to fulfill the communal obligation (fard kifaya, def: 1.10(2)) of doing so; possessing them does not negate one's being short of money, for this is an important need.

As for personal benefit and learning from books, such as keeping books of medicine to treat oneself or books of pious exhortations to read and take admonition from, if there is a doctor or an exhorter in town, one does not need them, while if there is not, one does.

Further, it may happen that one does not need to read a book except after a time, in which case the period in which one needs it should be stipulated, the most reasonable criterion for which would seem to be that whatever one is not in need of during the course of the year one does not really need, for someone with food in excess of his needs for one day is obliged to pay the zakat of 'Eid al-Fitr, and if we stipulate the need for food as being that of one day, we should consider the need for furnishings and clothing as one year, summer clothing not being sold in winter, for example. Books, clothing, and furnishings would seem to be alike in this. Or someone might have two copies of a book and not need both, such that if he were to say that one is more accurate while the other is of finer quality, so both are needed, we would tell him to be satisfied with the more accurate one and sell the finer, forgoing mere entertainment and luxury. If one has two books on a subject, one of which is comprehensive and the other abridged, then if personal benefit is the purpose, one should keep the more comprehensive, while if one needs them to teach, one may require both, since each possesses a virtue not found in the other.

Similar examples are innumerable and the discipline of jurisprudence cannot cover them all. Rather, the above have been mentioned because of widespread abuse, and to apprise of the

merit of the above criterion over others. For it is impossible to deal with all cases, which would entail estimating the amount, number, and kinds of household furnishings and clothes, the spaciousness of a house or lack of it, and so forth, there being no firm limits to such matters. But the legal scholar must use personal reasoning (ijtihad, 8.14) with respect to them and approximate the criteria that seem likeliest to him, braving the danger of falling into things of doubtful legality, while a god-fearing person will take the path that is religiously more precautionary, leaving what causes him doubt for what does not. There are many gray areas between the two clear-cut extremes, and nothing can save one from them except following the way of greater precaution (*Ihya' 'ulum al-din* (9.16), 1.199).

8.10 Taking a Guide to Allah (from 7.4)

8.10.a (n:) In Sufism, as in any other Islamic discipline, be it jurisprudence (fiqh), Qur'anic recital (tajwid), or hadith, a disciple must have a master or *sheikh,* from whom to take the knowledge, one who has himself taken it from a master, and so on, in an unbroken series of masters back to the Prophet (Allah bless him and give him peace) who is the source of all Islamic knowledge. In Sufi tradition, this means not only that each sheikh has met and taken the way from a master, but that the master during his lifetime has explicitly and verifiably authorized the sheikh—whether in writing or in front of a number of witnesses—to teach the spiritual path as a fully authorized guide (murshid ma'dhun) to succeeding generations of disciples.

Such a chain of transmission (silsila) through an unbroken line of masters is one criterion that distinguishes a true or *connected* Sufi path (tariqa muttasila), from an inauthentic or *dissevered* path (tariqa munqati'a) whose leader, for example, may claim to be a sheikh on the basis of an authorization given by a master in private or under other unverifiable circumstances, or by a figure now passed from this world such as one of the righteous or the Prophet (Allah bless him and give him peace), or in a dream, and

so on. These "warm the heart" (yusta'nasu biha) but none meets Sufism's condition that a sheikh must have a clear authorization, connecting him to an unbroken succession of masters of the way, one that is verified by others than himself, without which the way would be open to pretenders.

There are other conditions for sheikhs, reflecting the fact that no one other than prophets is divinely protected from error (ma'sum): a master could conceivably authorize an unworthy candidate as sheikh; or a sheikh might change after his master's death as the result of not having spent sufficient time with him; and so on. Conditions for being a sheikh besides being authorized are described in what follows.

8.10.b ('Abd al-Wahhab al-Sha'rani:) The path of the Sufis is built of the Qur'an and sunna (dis: 8.11), and is based upon living according to the morals of the prophets and purified ones . . .

Sufis unanimously concur that none is fit to teach in the path of Allah Might and Majestic save someone with comprehensive mastery of the Sacred Law, who knows its explicit and implicit rulings, which of them are of general applicability and which are particular, which supersede others and which are superseded. He must also have a thorough grounding in Arabic, be familiar with its figurative modes and similes, and so forth. So every true Sufi is a scholar in Sacred Law, though the reverse is not necessarily true (*al-Tabaqat al-kubra* (9.71), 1.4).

8.10.c (Ahmad Zarruq:) The conditions of a sheikh to whom a disciple may entrust himself are five:

(a) sound religious knowledge;

(b) true experience of the Divine;

(c) exalted purpose and will;

(d) a praiseworthy nature;

(e) and penetrating insight.

Someone with all five of the following is not fit to be a sheikh:

(1) ignorance of the religion;

(2) disparaging the honor of the Muslims;

(3) involvement in what does not concern him;

(4) following caprice in everything;

(5) and showing bad character without a second thought.

If there is no sheikh who is a true guide (murshid, def: 8.9.d), or there is one, but he lacks one of the five conditions, then the disciple should rely on those of his qualities that are perfected in him, and deal with him as a brother (meaning the sheikh and disciple advise one another) regarding the rest (*Qawanin hikam al-ishraq* (9.70), 119).

The Purpose of Taking a Sheikh and a Path

8.10.d (Muhammad al-Hashimi:) As for when the path is merely "for the blessing of it" and the sheikh lacks some of the conditions of a true guide, or when the disciple is seeking several different aims from it at once, or the disciple's intention is contrary to the spiritual will of the sheikh, or the time required is unduly prolonged, or he is separated from his sheikh by the latter's death or the exigencies of the times and has not yet completed his journey to Allah on the path or attained his goal from it—then it is obligatory for him to go and associate with someone who can complete his journey for him and convey him to what he seeks from the path, as it is not permissible for him to remain bound to the first sheikh his whole life if it is only to die in ignorance of his Lord, claiming that this is the purpose of the path. By no means is this the purpose.

The purpose of the path is to reach the goal, and a path that does not reach it is a means without an end. The path was made for travel on it with the intention of reaching one's goal, not for remaining and residing in even if this leads to dying in ignorance of one's Lord. The meaning of a true disciple is one who forthrightly submits himself to a living sheikh during the days of his journey to Allah Most High so that the sheikh may put him

through the stages of the journey until he can say to him, "Here you are, and here is your Lord" (*al-Hall al-sadid li ma astashkalahu al-murid* (9.21), 7).

8.10.e (n:) Muhammad al-Hashimi's above words about submitting oneself to a living sheikh refer to matters within the range of the permissible or recommended, not what contradicts the Sacred Law or beliefs of Islam, for no true sheikh would ever countenance such a contravention, let alone have a disciple do so, a fact that furnishes the subject of the remaining entries of this section.

8.10.f (Muhyiddin ibn al-'Arabi:) When we see someone in this Community who claims to be able to guide others to Allah, but is remiss in but one rule of the Sacred Law—even if he manifests miracles that stagger the mind—asserting that his shortcoming is a special dispensation for him, we do not even turn to look at him, for such a person is not a sheikh, nor is he speaking the truth, for no one is entrusted with the secrets of Allah Most High save one in whom the ordinances of the Sacred Law are preserved (*Jami' karamat al-awliya'* (9.57), 1.3).

8.10.g (al-'Izz ibn 'Abd al-Salam:) The Sacred Law is the scale upon which men are weighed and profit is distinguished from loss. He who weighs heavily on the scales of the Sacred Law is of the friends of Allah, among whom there is disparity of degree. And he who comes up short in the scales of the Sacred Law is of the people of ruin, among whom there is also disparity of degree. If one sees someone who can fly though the air, walk on water, or inform one of the unseen, but who contravenes the Sacred Law by committing an unlawful act without an extenuating circumstance that legally excuses it, or who neglects an obligatory act without lawful reason, one may know that such a person is a devil Allah has placed there as a temptation to the ignorant. Nor is it farfetched that such a person should be one of the means by which Allah chooses to lead men astray, for the

Antichrist will bring the dead to life and make the living die, all as a temptation and affliction to those who allow themselves to be misled (*al-Imam al-'Izz ibn 'Abd al-Salam* (9.14), 1.137).

The Story of Khidr and Moses

8.10.h (R:) There is sometimes discussion as to whether the story of Khidr and Moses (Qur'an 18:65–82) does not show that exceptions to Islamic Law are possible. In fact, the verses give no grounds for such an inference, for two reasons. The first is that the context of the story is the time of Moses, not the time of Muhammad (Allah bless him and give him peace), whose Sacred Law is distinguished above that of any of the previous prophets by being final and inabrogable. The second reason is that Khidr, as the vast majority of scholars affirm, was himself a prophet, and his actions were given to him to perform by divine revelation (wahy), this invalidating any comparison between Khidr's exceptionality to the law of Moses and that of any individual born in our own times, for there is no prophet born after the time of Muhammad (Allah bless him and give him peace).

It might be wondered why Allah Most High mentions the story of Khidr and Moses in the Qur'an at all, if the exceptionality of Khidr was restricted to the time of Moses. The answer is that there is much wisdom in the story, such as that some particular excellence not found in the superior of two things or people may well be found in the inferior of them, for Moses was a prophetic messenger (rasul) while Khidr was only a prophet (nabi); that there are secrets given to certain of Allah's servants which not everyone in the Community (Umma) is responsible to know; that one should learn wisdom wherever one can; and that no matter how much one knows, one should not claim to have knowledge. And Allah knows best.

Sufism and Orthodoxy

8.10.i ('Abd al-Qahir al-Baghdadi:) The book *Tarikh al-Sufiyya* [The history of the Sufis] by Abu 'Abd al-Rahman al-Sulami

comprises the biographies of nearly a thousand sheikhs of the Sufis, none of whom belonged to heretical sects and all of whom were of the orthodox Sunni Community (Ahl al-Sunna), with the exception of only three of them: Abu Hilman of Damascus, who pretended to be of the Sufis but actually believed in "divine indwelling" (hulul); Husayn ibn Mansur al-Hallaj, whose case remains problematic, though Ibn 'Ata', Ibn Khafif, and Abul Qasim al-Nasrabadhi approved of him; and al-Qannad, whom the Sufis accused of being a Mu'tazilite (def: 8.6.a(1)) and rejected, for the good does not accept the wicked (*Usul al-din* (9.7), 315–16).

8.11 The Place of Sufism in Islam (from 7.1)

8.11.a (n: Contemporary Muslims sometimes hear that Sufism is foreign to Islam, and wonder about its place within the religion as a whole. The following essay has been appended to clarify it.)

Perhaps the biggest challenge in learning Islam correctly today is the scarcity of traditional ulema. In this meaning, Bukhari relates the *sahih* or "rigorously authenticated" hadith that the Prophet (Allah bless him and give him peace) said,

> Truly, Allah does not remove Sacred Knowledge by taking it away from people, but rather by taking back the souls of Islamic scholars [in death], until, when He has not left a single scholar, the people take the ignorant as leaders, who are asked for and who give Islamic legal opinion without knowledge, misguided and misguiding (*Bukhari* (9.10), 1.36: 100).

The process described by the hadith is not yet completed, but has certainly begun, and in our times the lack of traditional scholars—whether in Islamic law, in hadith, in *tafsir* or "Qur'anic exegesis"—has given rise to an understanding of the religion that is far from scholarly, and sometimes far from the truth. For example, in the course of our own studies in Islamic law, our first impression from Orientalist and Muslim-reformer

literature was that the Imams of the *madhhab*s or "schools of jurisprudence" had brought a set of rules from completely outside the Islamic tradition and somehow imposed them upon the Muslims. But when we sat with traditional scholars in the Middle East and asked them about the details, we came away with a different point of view, having been taught something about the bases for deriving the law from the Qur'an and sunna.

And similarly with *tasawwuf*—which is the word we will use below for the English *Sufism*, since our context is traditional Islam—quite a different picture emerges from talking with scholars of *tasawwuf* than what one is exposed to in the West. The following essay presents knowledge taken from the Qur'an and *sahih* hadith, and from actual teachers of Sufism in Syria and Jordan, in view of the need for all of us to get beyond clichés, the need for factual information from Islamic sources, the need to answer such questions as: Where did Sufism come from? What role does it play in the *din* or religion of Islam? and most importantly, What is the command of Allah about it?

The Origin of Sufism

As for the origin of the term *tasawwuf* or "Sufism," like many other Islamic disciplines, its name was not known to the first generation of Muslims. The historian Ibn Khaldun notes in his *Muqaddima:*

> This knowledge is a branch of the sciences of Sacred Law that originated within the Umma. From the first, the way of such people had also been considered the path of truth and guidance by the early Muslim community and its notables: the Companions of the Prophet (Allah bless him and give him peace), those who were taught by them, and those who came after them.
>
> It basically consists of dedication to worship, total devotion to Allah Most High, disregard for the finery and ornament of the world, abstinence from the pleasure, wealth, and prestige sought by most men, and retiring from others to worship

alone. This was the general rule among the Companions of the Prophet (Allah bless him and give him peace) and the early Muslims, but when involvement in this-worldly things became widespread from the second Islamic century onwards and people became absorbed in worldliness, those devoted to worship came to be called *Sufiyya* or "People of *Tasawwuf*" (*al-Muqaddima* (9.30), 467).

In Ibn Khaldun's words, the content of Sufism, "total dedication to Allah Most High," was "the general rule among the Companions of the Prophet (Allah bless him and give him peace) and the early Muslims." So if the *word* did not exist in earliest times, we should not forget that this is also the case with many other Islamic disciplines, such as *tafsir* or "Qur'anic exegesis," *'ilm al-jarh wa al-ta'dil* or "the science of the positive and negative factors that affect the acceptability of hadith-narrators," *'ilm al-hadith* or "the science of the prophetic traditions," or even Islamic tenets of faith, the very word for which, *'aqida,* is not mentioned even once in the entire corpus of the Qur'an or hadith. Though all these sciences proved to be of the utmost importance to the correct preservation and transmission of the religion, none was known by name in earliest Islam, well illustrating why traditional scholars say, *La qadh fi al-istilah,* that is, "There is no objection to terminology."

As for the origin of the word *tasawwuf,* it may well be from *Sufi,* the person who does *tasawwuf,* which seems to be etymologically prior to it, for the earliest mention of either term seems to have been by Hasan al-Basri, who died 110 years after the Hijra and personally knew many of the Companions of the Messenger of Allah (Allah bless him and give him peace), and who said, "I saw a Sufi circumambulating the Kaaba, and offered him something, but he would not take it, saying, 'I have four *daniq*s; what I have suffices me'" (*al-Luma'* (9.81), 42). It therefore seems better to understand *tasawwuf* by first asking what a Sufi is; and perhaps the best definition of both the Sufi and his way, certainly one of the most frequently quoted by masters of

the discipline, is from the sunna of the Prophet (Allah bless him and give him peace) who said:

> Allah Most High says: "He who is hostile to a friend of Mine I declare war against. My slave approaches Me with nothing more beloved to Me than what I have made obligatory upon him, and My slave keeps drawing nearer to Me with voluntary works until I love him. And when I love him, I am his hearing with which he hears, his sight with which he sees, his hand with which he seizes, and his foot with which he walks. If he asks me, I will surely give to him, and if he seeks refuge in Me, I will surely protect him. I do not hesitate to do anything that I am going to do more than My hesitation at taking the soul of a believer who does not want to die, for I dislike displeasing him" (*Bukhari* (9.10), 8.131: 6502).

This hadith was related by Imam Bukhari, Ahmad ibn Hanbal, Bayhaqi, and others with multiple contiguous chains of transmission, and is *sahih.* It discloses the central reality of *tasawwuf,* which is precisely *change,* while describing the path to this change, in conformity with a traditional definition used by masters in the Middle East, who define a Sufi as *Faqihun 'amila bi 'ilmihi fa awrathahu Llahu 'ilma ma lam ya'lam,* "A man of religious learning who applied what he knew, so Allah bequeathed him knowledge of what he did not know."

To clarify, a Sufi is a *man of religious learning,* because the hadith says, "My slave approaches Me with nothing more beloved to Me than what I have made obligatory upon him," and only through learning can the Sufi know the command of Allah, or what has been made obligatory for him. He has *applied what he knew,* because the hadith says he not only approaches Allah with the obligatory, but "keeps drawing nearer to Me with voluntary works until I love him." And in turn, Allah bequeathed him knowledge of what he did not know, because the hadith says, "And when I love him, I am his hearing with which he hears, his sight with which he sees, his hand with which he seizes, and his

foot with which he walks," which is a metaphor for the consummate awareness of *tawhid,* or the "unity of Allah," which in the context of human actions such as hearing, sight, seizing, and walking, consists of realizing the words of Allah in the Qur'an that

> "Allah created you and what you do" (Qur'an 37:96).

The origin of the way of the Sufi thus lies in the prophetic sunna. The sincerity to Allah that it entails was the rule among the earliest Muslims, to whom this was simply a state of being without a name, while it only became a distinct discipline when the majority of the Community had drifted away and changed from this state. Muslims of subsequent generations required systematic effort to attain it, and it was because of the change in the Islamic environment after the earliest generations, that a discipline by the name of *tasawwuf* came to exist.

The Centrality of Sufism to Islam

But if the foregoing is true of origins, the more significant question is: How central is *tasawwuf* to the religion, and where does it fit into Islam as a whole? Perhaps the best answer is the hadith of Muslim, that 'Umar ibn al-Khattab said:

> As we sat one day with the Messenger of Allah (Allah bless him and give him peace), a man in pure white clothing with jet black hair came to us, without a trace of travelling upon him, though none of us knew him.
>
> He sat down before the Prophet (Allah bless him and give him peace) bracing his knees against his, resting his hands on his legs, and said: "Muhammad, tell me about Islam." The Messenger of Allah (Allah bless him and give him peace) said: "Islam is to testify that there is no god but Allah and that Muhammad is the Messenger of Allah, and to perform the prayer, give zakat, fast in Ramadan, and perform the pilgrimage to the House if you can find a way."

He said: "You have spoken the truth," and we were surprised that he should ask and then confirm the answer. Then he said: "Tell me about true faith (iman)," and the Prophet (Allah bless him and give him peace) answered: "It is to believe in Allah, His angels, His inspired Books, His messengers, the Last Day, and in destiny, its good and evil."

"You have spoken the truth," he said. "Now tell me about the perfection of faith (ihsan)," and the Prophet (Allah bless him and give him peace) answered: "It is to worship Allah as if you see Him, and if you see Him not, He nevertheless sees you."

The hadith continues to where 'Umar said:

> Then the visitor left. I waited a long while, and the Prophet (Allah bless him and give him peace) said to me, "Do you know, 'Umar, who was the questioner?" and I replied, "Allah and His messenger know best." He said, "It was Gabriel, who came to you to teach you your religion" (*Muslim* (9.55), 1.37: 8).

This is a *sahih* hadith, described by Imam Nawawi as one of the hadiths upon which the Islamic religion turns. The use of the word *din* in the last line of it, *Atakum yu'allimukum dinakum,* "came to you to teach you your *religion*" entails that the religion of Islam is composed of the three fundamentals mentioned in the hadith: *Islam,* or external compliance with what Allah asks of us; *iman,* or the belief in the Unseen that the prophets have informed us of; and *ihsan,* or to worship Allah as though one sees Him. Allah says in Sura Maryam,

> "Surely We have revealed the Remembrance, and surely We shall preserve it" (Qur'an 15:9),

and if we reflect how Allah, in His wisdom, has accomplished this, we see that it is by human beings, the traditional scholars He has sent at each level of the religion. The level of Islam has been preserved and conveyed to us by the Imams of *shari'a* or

"Sacred Law" and its ancillary disciplines such as hadith and Qur'anic exegesis; the level of *iman,* by the Imams of *'aqida* or "tenets of faith"; and the level of *ihsan,* "to worship Allah as though you see Him," by the Imams of *tasawwuf.*

The hadith's very words "to *worship* Allah" show us the interrelation of these three fundamentals, for the *how* of "worship" is only known through the external prescriptions of *Islam,* while the *validity* of this worship in turn presupposes *iman* or faith in Allah and the Islamic revelation, without which *worship* would be but empty motions; while the words "as if you see Him," show that *ihsan* implies a human *change,* for it entails the experience of what, for most of us, is not experienced. So to understand Sufism, we must look at the nature of this change in relation to both Islam and *iman,* and this is the principal focus of the present essay.

Sufism and Islam

At the level of Islam, we said that *tasawwuf* requires *Islam,* through "submission to the rules of Sacred Law." But Islam, for its part, equally requires *tasawwuf.* Why? For the very good reason that the sunna which Muslims have been commanded to follow is not just the words and actions of the Prophet (Allah bless him and give him peace), but also his states, states of the heart such as taqwa or "godfearingness," *ikhlas* "sincerity," *tawakkul* "reliance on Allah," *rahma* "mercy," *tawadu'* "humility," and so on.

Now, it is characteristic of the Islamic ethic that human actions are not simply divided into two shades of morality, right or wrong; but rather five, arranged in order of their ultimate consequences. The *obligatory* (wajib) is that whose performance is rewarded by Allah in the next life and whose nonperformance is punished. The *recommended* (mandub) is that whose performance is rewarded, but whose nonperformance is not punished. The *permissible* (mubah) is indifferent, unconnected with either reward or punishment. The *offensive* (makruh) is that whose

nonperformance is rewarded but whose performance is not punished. The *unlawful* (haram) is that whose nonperformance is rewarded and whose performance is punished, if one dies unrepentant.

Human states of the heart, the Qur'an and sunna make plain to us, come under each of these headings. Yet they are not dealt with in books of *fiqh* or "Islamic jurisprudence," because unlike the prayer, zakat, or fasting, they are not *quantifiable* in terms of the specific amount of them that must be done. But if they are not countable, they are of the utmost importance to every Muslim. Let us look at a few examples:

(1) *Love of Allah.* In Sura al-Baqara of the Qur'an, Allah blames those who ascribe associates to Allah whom they love as much as they love Allah. Then He says, "And those who believe are greater in love for Allah" (Qur'an 2:165)—making it part of *being* a believer to have greater love for Allah than any other.

(2) *Mercy.* Bukhari and Muslim relate that the Prophet (Allah bless him and give him peace) said, "Whoever is not merciful to people, Allah will show no mercy to" (*Muslim* (9.55), 4.1809: 2319), and Tirmidhi relates the well authenticated (hasan) hadith "Mercy is not taken out of anyone except the damned" (*Tirmidhi* (9.79), 4.323: 1923).

(3) *Love of each other.* Muslim relates in his *Sahih* that the Prophet (Allah bless him and give him peace) said, "By Him in whose hand is my soul, none of you shall enter paradise until you believe, and none of you shall believe until you love one another . . ." (*Muslim* (9.55), 1.74: 54).

(4) *Presence of mind in the prayer (salat).* Abu Dawud relates in his *Sunan* with a well authenticated (hasan) chain of transmission that 'Ammar ibn Yasir heard the Prophet (Allah bless him and give him peace) say, "Truly, a man leaves, and none of his prayer is inscribed for him but a tenth of it, a ninth of it, eighth of it, seventh of it, sixth of it, fifth of it, fourth of it, third of it, a half of it" (Abu Dawud (9.72), 1.211: 796)—meaning

that none of a person's prayer counts for him except that in which he is present in his heart with Allah.

(5) *Love of the Prophet.* Bukhari relates in his *Sahih* that the Prophet (Allah bless him and give him peace) said, "None of you believes until I am more beloved to him than his father, his son, and all people" (*Bukhari* (9.10), 1.10: 15).

It is plain, if we consider the matter for a moment, that none of the states mentioned in these texts —whether mercy, love, or presence of heart—are quantifiable, for the Sacred Law cannot specify that one must "do two units of mercy" or "have three units of presence of mind" in the way that the number of rak'as of prayer can be specified, yet each of them is personally obligatory for the Muslim. Let us complete the picture by looking at a few examples of states that are *haram* or "strictly unlawful":

(1) *Fear of anyone besides Allah.* Allah Most High says in Sura al-Baqara of the Qur'an, "And fulfill My covenant: I will fulfill your covenant—And fear Me alone" (Qur'an 2:40), the last phrase of which, according to Imam Fakhr al-Din al-Razi, "establishes that a human being is obliged to fear no one besides Allah Most High" (*Mafatih al-ghayb* (9.66), 3.42).

(2) *Despair.* Allah Most High says, "None despairs of Allah's mercy except the people who disbelieve" (Qur'an 12:87), indicating the unlawfulness of this inward state by coupling it with the worst human condition possible, that of unbelief.

(3) *Arrogance.* Muslim relates in his *Sahih* that the Prophet (Allah bless him and give him peace) said, "No one shall enter paradise who has even a particle of arrogance in his heart" (*Muslim* (9.55), 1.93: 91).

(4) *Envy,* meaning to wish for another to lose the blessings he enjoys. Abu Dawud relates with a well authenticated chain (hasan) of transmission that the Prophet (Allah bless him and give him peace) said, "Beware of envy, for envy consumes good works as flames consume firewood" (*Abu Dawud* (9.72), 4.276: 4903).

(5) *Showing off in acts of worship.* Hakim relates with a *sahih* chain of transmission that the Prophet (Allah bless him and give him peace) said, "The slightest bit of showing off in good works is like worshipping others with Allah . . ." (*al-Mustadrak* (9.19), 1.4).

These and similar *haram* inward states are not found in books of *fiqh* or "jurisprudence," because fiqh can only deal with quantifiable descriptions of rulings. Rather, they are examined in their causes and remedies by the scholars of the "inner fiqh" of *tasawwuf,* men such as Imam Ghazali in his *Ihya' 'ulum al-din* [The reviving of the religious sciences], Imam Ahmad al-Sirhindi in his *Maktubat* [Letters], Suhrawardi in his *'Awarif al-ma'arif* [The knowledges of the illuminates], Abu Talib al-Makki in *Qut al-qulub* [The sustenance of hearts], and similar classic works, which discuss and solve hundreds of ethical questions about the inner life. These are *books of shari'a,* and their questions are questions of shari'a, of how it is lawful or unlawful for a Muslim to be. Their task and role in Islam is to preserve the part of the prophetic sunna dealing with states.

Who needs such information? All Muslims, for the Qur'anic verses and authenticated hadiths mentioned above all point to the fact that a Muslim must not only do certain things and say certain things, but also must *be* something, must attain certain states of the heart and eliminate others. Do we ever fear anyone besides Allah? Do we have a particle of arrogance in our hearts? Is our love for the Prophet (Allah bless him and give him peace) greater than our love for any other human being? Is there the slightest bit of showing off in our good works?

Half a minute's reflection will show the Muslim where he stands on these aspects of his *din,* and why in classical times, helping Muslims to attain these states was not left to amateurs, but rather delegated to ulema of the heart, the scholars of Islamic *tasawwuf.* For most people, these are not easy transformations to make, because of the force of habit, because of the subtlety with which we can deceive ourselves, but most of all because

each of us has an ego, a self, a "me," which is called in Arabic *al-nafs,* and about which Allah testifies in Sura Yusuf:

"Verily the self ever prompts to do wrong" (Qur'an 12:53).

If one finds this difficult to believe, consider the words of the Prophet (Allah bless him and give him peace) related by Muslim in his *Sahih:*

> The first person judged on Resurrection Day will be a man martyred in battle. He will be brought forth, Allah will reacquaint him with His blessings upon him and the man will acknowledge them, whereupon Allah will say, "What have you done with them?" to which the man will respond, "I fought to the death for You." Allah will reply, "You lie. You fought in order to be called a hero, and it has already been said." Then he will be sentenced and dragged away on his face and flung into the fire.
>
> Then a man will be brought forward who learned Sacred Knowledge, taught it to others, and who recited the Qur'an. Allah will remind him of His gifts to him and the man will acknowledge them, and then Allah will say, "What have you done with them?" The man will answer, "I acquired Sacred Knowledge, taught it, and recited the Qur'an, for Your sake." Allah will say, "You lie. You learned so as to be called a scholar, and read the Qur'an so as to be called a reciter, and it has already been said." Then the man will be sentenced and dragged away on his face to be flung into the fire.
>
> Then a man will be brought forward whom Allah generously provided for, giving him various kinds of wealth, and Allah will recall to him the benefits given, and the man will acknowledge them, to which Allah will say, "And what have you done with them?" The man will answer, "I have not left a single kind of expenditure You love to see made, except that I have spent on it for Your sake." Allah will say, "You lie. You did it so as to be called generous, and it has already been said." Then he will be sentenced and dragged away on his face to be flung into the fire (*Muslim* (9.55), 3.1514: 1905).

We should not fool ourselves about this, because our fate depends on it. In our childhood, our parents taught us how to behave through praise or blame, and for most of us, this permeated and colored our whole motivation for doing things. But when childhood ends, and we come of age in Islam, the religion makes it clear to us, both by the above hadith and by the words of the Prophet (Allah bless him and give him peace) "The slightest bit of showing off in good works is like worshipping others with Allah," that being motivated by what others think is no longer good enough, and that we must change our motives entirely, and henceforth be motivated by nothing but desire for Allah Himself. The Islamic revelation thus tells the Muslim that it is obligatory to break his habits of thinking and motivation, but it does not tell him how. For that, he must go to the scholars of these states, in accordance with the Qur'anic imperative,

> "Ask those who know well, if you know not" (Qur'an 16:43).

There is no doubt that bringing about this change, purifying the Muslims by bringing them to spiritual sincerity, was one of the central duties of the Prophet Muhammad (Allah bless him and give him peace), for Allah says in the Sura Al 'Imran of the Qur'an,

> "Allah has truly blessed the believers, for He has sent them a messenger from themselves, who recites His signs to them and purifies them, and teaches them the Book and the Wisdom" (Qur'an 3:164),

which explicitly lists four tasks of the prophetic mission, the second of which, *yuzakkihim,* means precisely to "purify them" and has no other lexical sense. Now, it is plain that this teaching function cannot, as part of an *eternal* revelation, have ended with the passing of the first generation, a fact that Allah explicitly confirms in His injunction in Sura Luqman,

> "And follow the path of him who turns unto Me" (Qur'an 31:15).

These verses indicate the teaching and transformative role of those who convey the Islamic revelation to Muslims, and the choice of the word *ittiba'* for "follow" in the second verse, which is more general, implies both keeping the company of and following the example of a teacher. This is why in the history of *tasawwuf,* we find that though there were many methods and schools of thought, these two things never changed: keeping the company of a teacher, and following his example—in exactly the same way that the Sahaba were uplifted and purified by keeping the company of the Prophet (Allah bless him and give him peace) and following his example.

And this is why the discipline of *tasawwuf* has been preserved and transmitted by *tariqa*s or groups of students under a particular master. First, because this was the sunna of the Prophet (Allah bless him and give him peace) in his purifying function described by the Qur'an. Secondly, Islamic knowledge has never been transmitted by books and writings alone, but rather from ulema to students. Thirdly, the nature of the knowledge in question is of *hal* or "state of being," not just knowing, and hence requires it be taken from a succession of living masters back to the Prophet (Allah bless him and give him peace), for the sheer range and number of the states of heart required by the revelation effectively make imitation of the personal example of a teacher the only effective means of transmission.

So far we have spoken about *tasawwuf* in respect to Islam, as a shari'a science necessary to fully realize the Sacred Law in one's life, to attain the states of the heart demanded by the Qur'an and hadith. This close connection between shari'a and *tasawwuf* is expressed by the statement of Imam Malik, founder of the Maliki school, that "he who practices *tasawwuf* without learning Sacred Law corrupts his faith, while he who learns Sacred Law without practicing *tasawwuf* corrupts himself. Only he who combines the two proves true." This is why *tasawwuf* was taught as part of the traditional curriculum in *madrasa* schools across the Muslim world from Malaysia to Morocco, why many of the greatest shari'a scholars of this

Umma have been Sufis, and why until the end of the Islamic caliphate at the beginning of this century and the subsequent Western control and cultural dominance of Muslim lands, there were teachers of *tasawwuf* in Islamic institutions of higher learning from Lucknow to Istanbul to Cairo.

Sufism and Iman

But there is a second aspect of *tasawwuf* that we have not yet talked about; namely, its relation to *iman* or "true faith," the second pillar of the Islamic religion, which in the context of the Islamic sciences consists in *'aqida* or "orthodox belief."

All Muslims believe in Allah, and that He is transcendently beyond anything conceivable to the minds of men, for the human intellect is imprisoned within its own sense impressions and the categories of thought derived from them, such as number, directionality, spatial extension, place, time, and so forth. Allah is beyond all of that; in His own words,

> "There is nothing whatsoever like unto Him" (Qur'an 42:11).

If we reflect for a moment on this verse, in the light of the hadith of Muslim about *ihsan* that "it is to worship Allah as though you see Him," we realize that the means of seeing here is not the eye, which can only behold physical things like itself; nor yet the mind, which cannot transcend its own impressions to reach the Divine, but rather certitude, the light of *iman,* whose locus is not the eye or the brain, but rather the *ruh,* a subtle faculty Allah has created within each of us called the soul, whose knowledge is unobstructed by the bounds of the created universe. Allah Most High says, by way of exalting the nature of this faculty by leaving it a mystery,

> "Say: 'The soul is of the affair of my Lord'" (Qur'an 17:85).

The food of this *ruh* is *dhikr* or the "remembrance of Allah." Why? Because acts of obedience increase the light of certainty

and iman in the soul, and dhikr is among the greatest of them, as is attested to by the *sahih* hadith related by al-Hakim that the Prophet (Allah bless him and give him peace) said,

> "Shall I not tell you of the best of your works, the purest of them in the eyes of your Master, the highest in raising your rank, better than giving gold and silver, and better for you than to meet your enemy and smite their necks, and they smite yours?" They said, "What may that be, O Messenger of Allah?" and he said: "The remembrance of Allah Mighty and Majestic" (*al-Mustadrak* (9.19), 1.496).

Increasing the strength of iman through good actions, and particularly through the medium of dhikr has tremendous implications for the Islamic religion and traditional spirituality. A non-Muslim once asked the present writer, "If God exists, then why all this beating around the bush? Why doesn't He just come out and say so?"

The answer is that *taklif* or "moral responsibility" in this life is not only concerned with outward actions, but with what we believe, our *'aqida*—and the strength with which we believe it. If belief in God and other eternal truths were effortless in this world, there would be no point in Allah making us responsible for it; it would be automatic, involuntary, like our belief, say, that Houston is in Texas. There would be no point in making someone responsible for something impossible *not* to believe.

But the responsibility Allah has placed upon us is belief in the Unseen, as a test for us in this world to choose between *kufr* and *iman,* to distinguish believer from unbeliever, and some believers above others.

This why strengthening *iman* through dhikr is of such methodological importance for *tasawwuf:* we have not only been commanded as Muslims to believe in certain things, but have been commanded to have absolute certainty in them. The world we see around us is composed of veils of light and darkness: events come that knock the *iman* out of some of us, and Allah tests each of us as to the degree of certainty with which we believe the

eternal truths of the religion. It was in this sense that 'Umar ibn al-Khattab said, "If the *iman* of Abu Bakr were weighed against the *iman* of the entire Umma, it would outweigh it."

Now, in traditional *'aqida,* one of the most important tenets is the *wahdaniyya* or "oneness and uniqueness" of Allah Most High. This means He is without any *sharik* or "associate" in His being, in His attributes, or in His acts. But the ability to keep this conviction in mind in the rough and tumble of daily life is a function of the strength of certainty (yaqin) in one's heart. Allah tells the Prophet (Allah bless him and give him peace) in Sura al-A'raf of the Qur'an,

> "Say: 'I do not possess benefit for myself or harm, except as Allah wills'" (Qur'an 7:188),

yet we do tend to rely on our selves and our plans, in obliviousness to the facts of *'aqida* or belief that ourselves and our plans have no effect, that Allah alone brings about effects.

If you want to test yourself on this, the next time you contact someone with good connections whose help is critical to you, take a look at your heart at the moment you ask him to put in a good word for you with someone, and see whom you are relying upon. If you are like most people, Allah is not at the forefront of your thoughts, despite the fact that He alone is controlling the outcome. Isn't this a lapse in our *'aqida,* or, at the very least, in our certainty?

Tasawwuf corrects such shortcomings by step-by-step increasing the Muslim's certainty in Allah. The two central means of *tasawwuf* in attaining the *conviction* demanded by *'aqida* are *mudhakara,* or learning the eternal verities of Islamic faith, and *dhikr,* deepening one's certainty in them by remembrance of Allah. It is part of our faith that, in the words of the Qur'an in Sura al-Saffat,

> "Allah has created you and what you do" (Qur'an 37:96);

yet for how many of us is this a day-to-day experience? Because *tasawwuf* remedies this and other shortcomings of *iman,* by

increasing the Muslim's certainty through a systematic way of teaching and dhikr, it has traditionally been regarded as personally obligatory to this pillar of the religion also, and from the earliest centuries of Islam, has proved its worth.

Pretenders to Sufism

The last question we will deal with in the present essay is: What about the bad Sufis we sometimes hear about, who contravene the teachings of Islam?

The answer is that there are two meanings of Sufi: the first is "Anyone who considers himself a Sufi," which is the rule of thumb of Orientalist historians of Sufism and popular writers, who would oppose the "Sufis" to the "ulema." But the Qur'anic verses and hadiths we have mentioned so far about the scope and method of true *tasawwuf* show why we must insist on the primacy of the definition of a Sufi as "a man of religious learning who applied what he knew, so Allah bequeathed him knowledge of what he did not know."

The very first thing a Sufi as *a man of religious learning* knows is that the shari'a and *'aqida* of Islam are *above every human being*. Whoever does not know this will never be a Sufi, except in the Orientalist sense of the word—like someone standing in front of the stock exchange in an expensive suit with a briefcase to convince people he is a stockbroker. A real stockbroker is something else.

Because this distinction is ignored today by otherwise well-meaning Muslims, it is often forgotten that the ulema who have historically criticized Sufis, such as Ibn al-Jawzi in his *Talbis Iblis* [The Devil's deception], or Ibn Taymiya in places in his *Fatawa,* or Ibn Qayyim al-Jawziyya, were not criticizing *tasawwuf* as an ancillary discipline to the shari'a. The proof of this is Ibn al-Jawzi's five-volume *Sifat al-safwa* [The character of the greatest], which contains the biographies of the very same Sufis mentioned in Qushayri's famous *tasawwuf* manual *al-Risala al-Qushayriyya.* Ibn Taymiya considered himself a Sufi of the Qadiri order: on his death he was buried in Damascus in

the cemetery reserved by endowment (waqf) for Sufis, and volumes ten and eleven of his thirty-seven-volume *Majmu' al-fatawa* are devoted to *tasawwuf*. His student Ibn Qayyim al-Jawziyya wrote the three-volume *Madarij al-salikin* [The successive stages of spiritual travellers], a detailed commentary on *Manazil al-sa'irin*, 'Abdullah al-Ansari al-Harawi's tract on the stations of the Sufi path. These works show that their authors' criticisms were not directed at *tasawwuf* as such, but rather at specific groups of their times, and they should be understood for what they are.

As in other Islamic sciences, mistakes historically did occur in *tasawwuf*, most of them stemming from not recognizing the primacy of shari'a and *'aqida* above all else. But these mistakes were not different in principle from, for example, the *Isra'iliyyat* or "baseless tales of Bani Isra'il" that crept into *tafsir* literature, or the *mawdu'at* or "hadith forgeries" that crept into the hadith. These were not taken as proof that *tafsir* was bad, or hadith was deviance, but rather, in each discipline, the errors were identified and warned against by Imams of the field, because the Umma needed the rest. And such corrections are precisely what we find in books like Tusi's *Luma'*, Qushayri's *Risala*, Ghazali's *Ihya'*, Sirhindi's *Maktubat*, and other works of Sufism.

Sufism and Traditional Islam

For all of the reasons we have mentioned, *tasawwuf* was accepted as an essential part of the Islamic religion by the ulema of this Umma. The proof of this is all the famous scholars of shari'a sciences who had the higher education of *tasawwuf*, among them Ibn 'Abidin, Fakhr al-Din al-Razi, Ahmad al-Sirhindi, Zakariyya al-Ansari, al-'Izz ibn 'Abd al-Salam, Ibn Daqiq al-'Eid, Ibn Hajar al-Haytami, Shah Wali Allah, Ahmad al-Dardir, Ibrahim al-Bajuri, 'Abd al-Ghani al-Nabulusi, Imam Nawawi, Taqi al-Din al-Subki, Suyuti, and many others.

Among the Sufis who aided Islam with the sword as well as the pen were:

> such men as the Naqshbandi sheikh Shamil al-Daghestani, who fought a prolonged war against the Russians in the Caucasus in the nineteenth century; Sayyid Muhammad 'Abdullah al-Somali, a sheikh of the Salihiyya order who led Muslims against the British and Italians in Somalia from 1899 to 1920; the Qadiri sheikh 'Uthman dan Fodio, who led jihad in Northern Nigeria from 1804 to 1808 to establish Islamic rule; the Qadiri sheikh 'Abd al-Qadir al-Jaza'iri, who led the Algerians against the French from 1832 to 1847; the Darqawi faqir al-Hajj Muhammad al-Ahrash, who fought the French in Egypt in 1799; the Tijani sheikh al-Hajj 'Umar Tal, who led Islamic jihad in Guinea, Senegal, and Mali from 1852 to 1864; and the Qadiri sheikh Ma' al-'Aynayn al-Qalqami, who helped marshal Muslim resistance to the French in northern Mauritania and southern Morocco from 1905 to 1909.
>
> Among the Sufis whose missionary work Islamized entire regions are such men as the founder of the Sanusiyya order, Muhammad 'Ali Sanusi, whose efforts and jihad from 1807 to 1859 consolidated Islam as the religion of peoples from the Libyan Desert to sub-Saharan Africa; [and] the Shadhili sheikh Muhammad Ma'ruf and Qadiri sheikh Uways al-Barawi, whose efforts spread Islam westward and inland from the East African Coast . . . (*Reliance of the Traveller* (9.51), 863).

It is plain from the examples of such men what kind of Muslims have been Sufis; namely, all kinds, right across the board—and that *tasawwuf* did not prevent them from serving Islam in any way they could.

Conclusions

To summarize everything we have said, in looking first at *tasawwuf* and shari'a, we found that many Qur'anic verses and *sahih* hadiths oblige the Muslim to eliminate *haram* inner states such as arrogance, envy, and fear of anyone besides Allah; and

on the other hand, to acquire such obligatory inner states as mercy, love of one's fellow Muslims, presence of mind in prayer, and love of the Prophet (Allah bless him and give him peace). We found that these inward states could not be dealt with in books of fiqh, whose purpose is to specify the outward, quantifiable aspects of the shari'a. The knowledge of these states is nevertheless of the utmost importance to every Muslim, and this is why it was studied under the ulema of *ihsan*, the teachers of *tasawwuf*, in all periods of Islamic history until the beginning of the present century.

We then turned to the level of *iman*, and found that though the *'aqida* of Muslims is that Allah alone has any effect in this world, keeping this in mind in everyday life is not a given of human consciousness, but rather a function of a Muslim's *yaqin*, his certainty. And we found that *tasawwuf*, as an ancillary discipline to *'aqida*, emphasizes the systematic increase of this certainty through both *mudhakara*, "teaching the verities of faith" and *dhikr*, "the remembrance of Allah," in accordance with the words of the Prophet (Allah bless him and give him peace) about *ihsan* that "it is to worship Allah as though you see Him."

Lastly, we found that accusations against *tasawwuf* made by scholars such as Ibn al-Jawzi and Ibn Taymiya were not directed against *tasawwuf* in principle, but to specific groups and individuals in the times of these authors, the proof for which is the other books by the same authors that showed their understanding of *tasawwuf* as a shari'a science.

To return to the starting point of our investigation, with the disappearance of traditional Islamic scholars from the Umma, two very different pictures of *tasawwuf* emerge today. If we read books written *after* the dismantling of the traditional fabric of Islam by colonial powers in the last century, we find the big hoax: Islam without spirituality and shari'a without *tasawwuf*. But if we read the classical works of Islamic scholarship, we learn that *tasawwuf* has been a shari'a science like *tafsir*, hadith, or any other, throughout the history of Islam.

The Prophet (Allah bless him and give him peace) said,

> Truly, Allah does not look at your outward appearance or your wealth, but at your hearts and your works (*Muslim* (9.55), 4.1987: 2564).

And this is the brightest hope that Islam can offer a modern world darkened by materialism and nihilism: Islam as it truly is: the hope of eternal salvation through a religion of brotherhood and social and economic justice outwardly, and the direct experience of divine love and illumination inwardly.

8.12 The Meaning of *Reaching Allah* (from 7.5)

8.12.a (n:) Among the disservices done to Islam by some Western scholars is their tireless insistence that the Sufi term *wusul* ("to arrive, to reach") be translated as if it meant *ittihad* ("to unify") with the result that their translations of Sufi works are filled with talk of "union with God," a rendering that has come to be traditional and authoritative among them, while it is a fallacious conception that the masters of Sufism from every age have taken pains to dissociate themselves, their method, and their students from. So it is perhaps fitting to include in this section with two of the aphorisms of the great Shadhili master Ibn 'Ata' Illah, who said:

> Your reaching Allah is reaching the knowledge of Him, for other than that, Our Lord is too exalted for anything to be joined with Him or for Him to be joined with anything;

and also said,

> The affirmation of electhood does not necessitate a negation of the fact of being human. Election is merely like the rise of the daylight's sun: it appears on the horizon without being part of it. Sometimes He takes it from you and returns you to your own bounds. For daylight is not from you to yourself, but rather it comes over you.

(*al-Hikam al-'Ata'iyya wa al-munajat al-ilahiyya* (9.24), 59, 66, aphorisms 213 and 249)

8.13 Why Legal Scholars Differ (from 8.3.b)

8.13.a (Salih al-Mu'adhdhin:) Muslims of the orthodox Sunni Community (Ahl al-Sunna wa al-Jama'a) are in agreement that we have arrived at all the rulings of Sacred Law through evidence that is either of *unquestionably established transmission* (qat'i al-wurud) or *probabilistically established transmission* (dhanni al-wurud).

The suras of the Qur'an, all of its verses, and those hadiths which have reached us by so many channels of transmission that belief in them is obligatory (mutawatir) are all of unquestionably established transmission, since they have reached us by numerous means, by generation from generation, whole groups from whole groups, such that it is impossible that the various channels could all have conspired to fabricate them.

As from the evidentiary character of these texts, whether they are of unquestionable or probabilistically established transmission, they are of two types.

The first type, unquestionable as evidence (qat'i al-dalala), is a plain text that does not admit of more than one meaning, which no mind can interpret beyond its one meaning, and which cannot possibly be construed in other than its apparent sense. This type includes Qur'anic verses that deal with fundamental tents of faith in the oneness of Allah, the prayer, zakat, and fasting; in none of which is there any room for disagreement, nor have any differences concerning them been heard of or reported from the Imams of Sacred Law. Everything in this category is termed *unquestionable as evidence.*

The second type, probabilistic as evidence (dhanni al-dalala), is a text that can bear more than one meaning, whether because it contains a word that can lexically have two different meanings, or because it was made by way of figure of speech or metaphor, or because it can be interpreted in other than its apparent sense in the context without this contradicting what was intended by the Wise Lawgiver. It is here that we find scope for scholarly difference of opinion to a greater or lesser extent,

depending on the number of meanings a text can imply, how much interpretation it will bear, and so forth.

All of the derivative rulings of Sacred Law are of this type, probabilistic as evidence, so we naturally find differences among Islamic legal scholars as to their interpretation, each scholar interpreting them according to his comprehension and the breadth of his horizons, while not giving the text a reading it does not imply, and then corroborating his interpretation with evidence acceptable to scholars. Scholarly differences are thus something natural, even logically necessary, as a result of the factors we have just described.

Allah Mighty and Majestic has willed that most texts of the Sacred Law be probabilistic as evidence because of a wisdom He demands, namely, to give people more choice and leave room for minds to use ijtihad in understanding His word and that of His messenger (Allah bless him and give him peace).

8.13.b We conclude this short summary with an example to clarify what we have said. Consider the word of Allah,

> "Divorced women shall wait by themselves for three periods" (Qur'an 2:228),

as opposed to His saying, in the same sura,

> "Those who forswear their women have a wait of four months" (Qur'an 2:226).

Allah's saying "three" in the former and "four" in the latter are texts that are decisive as evidence, in that neither admits of more than one interpretation, namely, the well-known numbers.

But in contrast with this, when Allah says "periods" (Ar. quru') in the first, and "months" (ashhur) in the second, we find that the former word can have more than one sense in its Arabic lexical root meaning, while *months* cannot, the latter being decisive in meaning and incapable of bearing another interpretation. Concerning this question, Imam Qurtubi says in his Qur'anic exegesis: "Scholars differ about the word *periods*. Those of Kufa

hold that it means "menstrual periods," and this is the position of 'Umar, 'Ali, and Ibn Mas'ud. But those of the Hijaz hold it means "the interval of purity between menstrual periods," and this is the view of 'A'isha, Ibn 'Umar, and Shafi'i.

Considering this, is it not natural that there should be various opinions about understanding the verse "three periods" but only one about understanding Allah's saying "four months"? If Allah had wanted all opinions to coincide on this question, He might have said, for example, "three menstrual periods" (hiyad), or "three intervals of purity between menstrual periods" (at-har), just as He said "four months." And all the texts of Sacred Law that can bear more than one meaning are comparable to this example (*'Umdat al-salik* (9.53), 11–13).

8.14 The Meaning of *Ijtihad* (from 8.3.b)

8.14.a (n:) To explain the meaning of *ijtihad* or being qualified to issue expert Islamic legal opinion (the person who does this being called a *mujtahid*), the qualifications for an Islamic judge (qadi) have been added below from *Reliance of the Traveller* (9.51). The difference between the qualifications for the Imam of a school of jurisprudence (madhhab) and those for a judge or mufti is that the former's competence in giving opinion is absolute, extending to all subject matters in the Sacred Law, while the competence of the judge or mufti is limited respectively to judging court cases or to applying his Imam's ijtihad to particular questions.

No age of history is totally lacking people who are competent in ijtihad on particular questions that are new, and this is an important aspect of Sacred Law, to provide solutions to new ethical problems by means of sound Islamic legal methodology in applying the Qur'anic and hadith primary texts. Indeed, scholars tell us that if there were no one among the Muslims in a particular age to apply ijtihad in the function of a judge or mufti, the entire community would be guilty of a serious sin. But while in this specific sense the door of ijtihad is not and cannot

be closed, Islamic scholarship has not accepted anyone's claims to absolute ijtihad since Imams Abu Hanifa, Malik, Shafi'i and Ahmad. If one studies the intellectual legacy of these men under scholars who have a working familiarity with it, it is not difficult to see why.

As for those who decry "hidebound conservatism" and would open the gate of ijtihad for themselves while lacking or possibly not even knowing the necessary qualifications, if such people have not studied the rulings of a particular school and the relation between these rulings, the Qur'anic and hadith primary texts, and the school's methodological principles, they do not know how ijtihad works from an observer's standpoint, let alone how to employ it. To ask them, for example, which of two equally authenticated primary texts that conflict on a legal question should be given precedence, and why, is like asking an aspiring drafting student for the particulars of designing a suspension bridge. Answers may be forthcoming, but they will not be the same as those one could get from a qualified contractor. To urge that a mujtahid is not divinely protected from error (ma'sum) is as of little importance to his work as the fact that a major physicist is not divinely protected from simple errors in calculus; the probability of finding them in his published work is virtually negligible.

But perhaps the most seldom-found qualification for ijtihad in our time is the substantive command of the Qur'an and hadith corpus. In authenticating a ruling connected with a particular hadith, for example, when the person who has related the hadith is an Islamic scholar of the first rank, it is not enough for a student or popular writer to find one chain of transmission for the hadith that is weak. There are a great many hadiths with several chains of transmission, and adequate scholarly treatment of how these affect a hadith's authenticity has been traditionally held to require a hadith master (hafidh), those like Bukhari, Muslim, Dhahabi, Ibn Kathir, or Suyuti who have memorized at least 100,000 hadiths—their texts, chains of transmission, and significance—to undertake the comparative study of the hadith's

various chains of transmission that cannot be accurately assessed without such knowledge. Today, when not one hadith master (hafidh) remains in the Muslim Community, we do not accept the judgement of any reclassifiers of hadith, no matter how large their popular following, unless it is corroborated by the work of previous hadith masters.

Other necessary qualifications for ijtihad are discussed in the following passage, which details the knowledge that an Islamic judge must have:

8.14.b . . . [To qualify as an Islamic judge (qadi), one must:] possess knowledge of the rulings of Sacred Law, meaning by way of personal legal reasoning (ijtihad) from primary texts, not merely by following a particular qualified scholar (taqlid), (i.e. if he follows qualified scholarship, he must know and agree with how the rulings are derived, not merely report them). Being qualified to perform legal reasoning (ijtihad) requires knowledge of the rules and principles of the Qur'an, the sunna (i.e. hadith), as well as knowledge of scholarly consensus (ijma') and analogy (qiyas, def: III below), together with knowing types of each of these.

(I) The types of Qur'anic rules include, for example:

(1) those ('amm) of general applicability to different types of legal ruling;

(2) those (khass) applicable to only one particular ruling or type of ruling;

(3) those (mujmal) which require details and explanation in order to be properly understood;

(4) those (mubayyan) which are plain without added details;

(5) those (mutlaq) applicable without restriction;

(6) those (muqayyad) which have restrictions;

(7) those (nass) which unequivocally decide a particular legal question;

(8) those (dhahir) with a probable legal signification, but which may also bear an alternative interpretation;

(9) those (nasikh) which supersede previously revealed Qur'anic verses;

(10) and those (mansukh) which are superseded by later verses.

(II) The types of sunna (n: i.e. hadith) include:

(1) hadiths (mutawatir) related by whole groups of individuals from whole groups, in multiple contiguous channels of transmission leading back to the Prophet himself (Allah bless him and give him peace), such that the sheer number of separate channels at each state of transmission is too many for it to be possible for all to have conspired to fabricate the hadith (which is thereby obligatory to believe in, and the denial of which is unbelief (kufr));

(2) hadiths (ahad) related by fewer than the above-mentioned group at one or more stages of the transmission, though traced through contiguous successive narrators back to the Prophet (Allah bless him and give him peace). (n: If a hadith is transmitted through just one individual at any point in the history of its transmission, the hadith is termed *singular* (gharib). If it is transmitted through just *two* people at any stage of its transmission, it is termed *rare* ('aziz). If its channels of transmission come through only three people at any point of its history, it is termed *well-known* (mashhur). These designations do not directly influence the authenticity rating of the hadith, since a *singular* hadith, for example, might be *rigorously authenticated* (sahih), *well authenticated* (hasan)—hadiths of both types being obligatory for a Muslim to believe in, though someone who denies them is merely considered corrupt (fasiq), not an unbeliever (kafir)—or *not well authenticated* (da'if), depending on the reliability ratings of the narrators and other factors weighed and judged by hadith specialists);

(3) and other kinds. (n: Yusuf al-Ardabili mentions the fol-

lowing in his list of qualifications for performing legal reasoning (ijtihad):)

(4) hadiths (mursal) from one of those (tabi'i) who had personally met and studied under one or more of the prophetic Companions (Sahaba) but not the Prophet himself (Allah bless him and give him peace) (n: hadiths reported in the form, "The Prophet said [or did] such and such," without mentioning the Companion who related it directly from the Prophet);

(5) hadiths (musnad) related through a contiguous series of transmitters back to the Prophet (Allah bless him and give him peace);

(6) hadiths (muttasil) related through a contiguous series of transmitters (n: either from the Prophet (Allah bless him and give him peace), such a hadith being termed *ascribed* (marfu'), or else only from one of the Companions, such a hadith being termed *arrested* (mawquf));

(7) hadiths (munqati') related through a chain of transmitters of whom one is unknown (n: though if two or more are unknown, it is not considered merely *discontiguous* (munqati'), but rather *problematic* (mu'dal));

(8) the positive and negative personal factors (jarh wa ta'dil) determining the reliability ratings of the individual narrators of a hadith's channel of transmission;

(9) the positions held by the most learned of the Companions (Sahaba) on legal questions, and those of the scholars who came after them;

(10) and on which of these positions there is scholarly consensus (def: 8.5), and which are differed upon (*Kitab al-anwar li a'mal al-abrar fi fiqh al-Imam al-Shafi'i* (9.2), 2.391).

(n: The English glosses and remarks on the meanings of the above hadith terminology are from notes taken by the translator at a lesson with hadith specialist Sheikh Shu'ayb al-Arna'ut.)

(III) Types of analogical reasoning (qiyas) include:

(1) making an *a fortiori* analogy between acts p and q, where if p takes a ruling, q is even likelier to take the same ruling. For example, if saying "Uff!" in disgust to one's parents is unlawful (n: as at Qur'an 17:23), one may analogically infer that beating them must also be unlawful;

(2) making an analogy between acts p and q, where if p takes a ruling, one may infer that q is equally likely to take the same ruling. For example, if it is unlawful to wrongfully consume an orphan's property, then it must also be unlawful to destroy his property by burning it up;

(3) and making an analogy between acts p and q, where if p takes a ruling, one may infer that it is likely, though less certain, that q takes the same ruling (n: because of a common feature in the two acts which functions as the basis ('illa) for the analogy). For example, since usurious gain (riba) is unlawful in selling wheat, then it must also be unlawful in selling apples, the basis for the analogy being that both are *food*.

The meaning of *knowledge* of the above matters is (n: for a judge) to know part of what is connected with the Qur'an, sunna (i.e. hadith), and analogy: not complete knowledge of the Book of Allah, total familiarity with the rules of the sunna, or comprehensive mastery of the rules of analogical reasoning, but rather that which is pertinent to giving judgements in court (though an *absolute* expert in Islamic legal reasoning (mujtahid mutlaq) such as Abu Hanifa, Malik, Shafi'i or Ahmad, is obliged to know what relates to every subject matter in Sacred Law). He must know the reliability ratings of hadith narrators in strength and weakness. When two primary texts seem to conflict, he gives precedence to:

(1) those of particular applicability (khass) over those of general applicability ('amm);

(2) those that take restrictions (muqayyad) over those that do not (mutlaq);

(3) those which unequivocally settle a particular question (nass) over those of merely probabilistic legal significance (dhahir);

(4) those which are literal (muhkam) over those which are figurative (mutashabih);

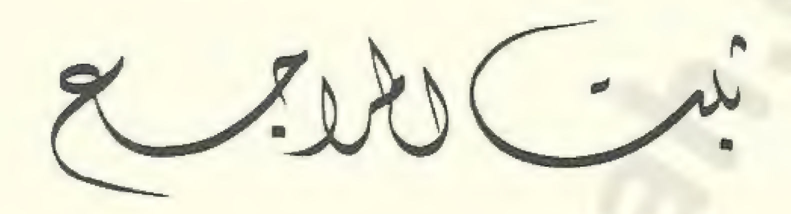
(5) and those which supersede previous rulings, those with a contiguous channel of transmission, and those with a well-authenticated channel of transmission, over their respective opposites.

He must also have knowledge of the Arabic language, its lexicon, grammar, word morphology, and rhetoric.

He must likewise know the positions of the scholars of Sacred Law regarding their consensus (ijma‘) and differences, and not contradict their consensus (n: which is unlawful (dis: 8.4)) with his own reasoning.

9

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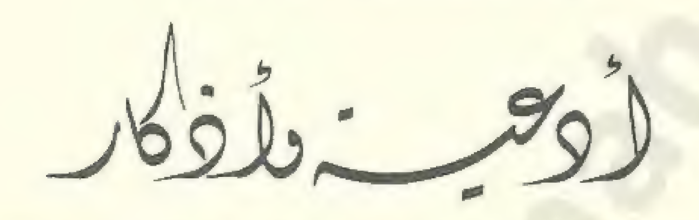
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10

ARABIC SUPPLICATIONS AND DHIKR



10.0 (n:) The attentive reader may notice below that the Qur'anic texts of this section, like other dhikrs and supplications, have been typeset and vowelled according to the practice of most Arab publishers in the present century rather than the classical Qur'anic orthography first used in the caliphate of 'Uthman that has been traditional ever since. The style below has been adopted not only because of the technical limitations of available Arabic book fonts and their ligatures, but because many of the texts in this section were intended purely as prayers and dhikr rather than as Qur'an recital, and a uniformly modern Arabic script is perhaps clearer to most Western readers.

10.1 (1.5) أَشْهَدُ أَن لَّا إِلٰهَ إِلَّا اللّٰهُ وَأَشْهَدُ أَنَّ مُحَمَّداً رَسُولُ اللّٰه .

10.2 (1.12) أَشْهَدُ أَن لَّا إِلٰهَ إِلَّا اللّٰهُ وَأَشْهَدُ أَنَّ مُحَمَّداً رَسُولُ اللّٰه .

10.3 (1.14) لَا إِلٰهَ إِلَّا اللّٰه .

10.4 (1.14, second par.) سُبْحَانَكَ لَا نُحْصِي ثَنَاءً عَلَيْكَ أَنْتَ
كَمَا أَثْنَيْتَ عَلَىٰ نَفْسِكَ .

10.5 (1.14, third par.) اَلْحَمْدُ لِلّٰهِ حَمْداً يُوَافِي نِعَمَهُ وَيُكَافِئُ
مَزِيدَه .

10.6 (1.14, fourth par.) اَللّٰهُمَّ صَلِّ عَلَىٰ مُحَمَّدٍ وَعَلىٰ آلِ مُحَمَّدٍ
كَمَا صَلَّيْتَ عَلَىٰ إِبْرَاهِيمَ وَعَلَىٰ آلِ إِبْرَاهِيمَ وَبَارِكْ عَلَىٰ مَحَمَّدٍ
وَعَلَىٰ آلِ مُحَمَّدٍ كَمَا بَارَكْتَ عَلَىٰ إِبْرَاهِيمَ وَعَلَىٰ آلِ إِبْرَاهِيمَ فِي
العَالَمِينَ إِنَّكَ حَمِيدٌ مَّجِيد.

10.7 (2.11(1)) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيم.

10.8 (3.9) اَللّٰهُ أَكْبَر.

10.9 (3.9, end) اَلسَّلَامُ عَلَيْكُم.

10.10 (3.10(1)) اَللّٰهُ أَكْبَر.

10.11 (3.10(3)) وَجَّهْتُ وَجْهِي لِلَّذِي فَطَرَ السَّمٰوَاتِ وَالْأَرْضَ حَنِيفاً
وَمَا أَنَا مِنَ الْمُشْرِكِينَ إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلّٰهِ رَبِّ
العَالَمِينَ لَا شَرِيكَ لَهُ وَبِذٰلِكَ أُمِرْتُ وَأَنَا مِنَ الْمُسْلِمِين.

10.12 (3.10(4)) أَعُوذُ بِاللّٰهِ مِنَ الشَّيْطَانِ الرَّجِيم.

10.13 (3.10(5)) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْم. الحَمْدُ لِلّٰهِ رَبِّ
العَالَمِينَ الرَّحْمٰنِ الرَّحِيْمِ مَالِكِ يَوْمِ الدِّينِ إِيَّاكَ نَعْبُدُ وَ إِيَّاكَ نَسْتَعِين،
اِهْدِنَا الصِّرَاطَ الْمُسْتَقِيمَ صِرَاطَ الَّذِيْنَ أَنْعَمْتَ عَلَيْهِمْ غَيْرِ المَغْضُوبِ
عَلَيْهِمْ وَلَا الضَّالِّيْن.

10.14 (3.10(5), end) آمِين.

10.15 (3.10(6), second par.) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْم. قُلْ هُوَ
اللّٰهُ أَحَدٌ اللّٰهُ الصَّمَدُ لَمْ يَلِدْ وَلَمْ يُولَدْ وَلَمْ يَكُن لَّهُ كُفُوًا أَحَد.

10.16 (3.10(6), third par.) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْم . قُلْ أَعُوذُ
بِرَبِّ الفَلَقِ مِنْ شَرِّ مَا خَلَقَ وَمِنْ شَرِّ غَاسِقٍ إِذَا وَقَبَ وَمِنْ شَرِّ النَّفَّاثَاتِ
فِي العُقَدِ وَمِنْ شَرِّ حَاسِدٍ إِذَا حَسَد .

10.17 (3.10(6), fourth par.) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيْم . قُلْ أَعُوذُ
بِرَبِّ النَّاسِ مَلِكِ النَّاسِ إِلٰهِ النَّاسِ مِنْ شَرِّ الوَسْوَاسِ الخَنَّاسِ الَّذِي
يُوَسْوِسُ فِي صُدُورِ النَّاسِ مِنَ الجِنَّةِ وَالنَّاس .

10.18 (3.10(7)) سُبْحَانَ رَبِّيَ الْعَظِيم .

10.19 (3.10(8)) سَمِعَ اللّٰهُ لِمَنْ حَمِدَه .

10.20 (3.10(8)) رَبَّنَا لَكَ الحَمْد .

10.21 (3.10(8)) مِلْءَ السَّمٰوَاتِ وَمِلْءَ الأَرْضِ وَمِلْءَ مَا شِئْتَ مِنْ
شَيْءٍ بَعْد .

10.22 (3.10(9)) سُبْحَانَ رَبِّيَ الأَعْلَىٰ .

10.23 (3.10(10)) اَللّٰهُمَّ اغْفِرْ لِي وَارْحَمْنِي وَعَافِنِي وَاجْبُرْنِي
وَاهْدِنِي وَارْزُقْنِي .

10.24 (3.10(15)) اَلتَّحِيَّاتُ المُبَارَكَاتُ الصَّلَوَاتُ الطَّيِّبَاتُ لِلّٰه ،
اَلسَّلَامُ عَلَيْكَ أَيُّهَا النَّبِيُّ وَرَحْمَةُ اللّٰهِ وَبَرَكَاتُهُ السَّلَامُ عَلَيْنَا وَعَلَىٰ عِبَادِ
اللّٰهِ الصَّالِحِينَ أَشْهَدُ أَن لَّا إِلٰهَ إِلَّا اللّٰهُ وَأَشْهَدُ أَنَّ مُحَمَّداً رَّسُولُ اللّٰه .

10.25 (3.10(16)) اَللّٰهُمَّ صَلِّ عَلَىٰ سَيِّدِنَا مُحَمَّد .

10.26 (3.10(16)) اَللّٰهُمَّ صَلِّ عَلَىٰ سَيِّدِنَا مُحَمَّدٍ وَعَلىٰ آلِ سَيِّدِنَا مُحَمَّدٍ كَمَا صَلَّيْتَ عَلىٰ سَيِّدِنَا إِبْرَاهِيمَ وَعَلَىٰ آلِ سَيِّدِنَا إِبْرَاهِيمَ وَبَارِكْ عَلَىٰ سَيِّدِنَا مَحَمَّدٍ وَعَلَىٰ آلِ سَيِّدِنَا مُحَمَّدٍ كَمَا بَارَكْتَ عَلىٰ سَيِّدِنَا إِبْرَاهِيمَ وَعَلىٰ آلِ سَيِّدِنَا إِبْرَاهِيمَ فِي العَالَمِينَ إِنَّكَ حَمِيدٌ مَّجِيد.

10.27 (3.10(17)) اَلسَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللّٰه.

10.28 (3.11(d)) بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِيم.

10.29 (3.12(e)) اَللّٰهُمَّ اهْدِنَا فِيمَنْ هَدَيْتَ وَعَافِنَا فِيمَنْ عَافَيْتَ وَتَوَلَّنَا فِيمَنْ تَوَلَّيْتَ وَبَارِكْ لَنَا فِيمَا أَعْطَيْتَ وَقِنَا شَرَّ مَا قَضَيْتَ فَإِنَّكَ تَقْضِي وَلَا يُقْضَىٰ عَلَيْكَ وَإِنَّهُ لَا يَذِلُّ مَنْ وَالَيْتَ وَلَا يَعِزُّ مَنْ عَادَيْت، تَبَارَكْتَ رَبَّنَا وَتَعَالَيْت.

10.30 (3.24(2)) اَلحَمْدُ لِلّٰه.

10.31 (3.24(7)) إِنَّ الحَمْدَ لِلّٰه. نَحْمَدُهُ وَنَسْتَعِينُهُ وَنَسْتَغْفِرُهُ وَنَعُوذُ بِاللّٰهِ مِنْ شُرُورِ أَنْفُسِنَا وَمِنْ سَيِّئَاتِ أَعْمَالِنَا. مَنْ يَهْدِهِ اللّٰهُ فَلَا مُضِلَّ لَهُ، وَمَنْ يُضْلِلْ فَلَا هَادِيَ لَهُ وَأَشْهَدُ أَن لَّا إِلٰهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيكَ لَهُ وَأَشْهَدُ أَنَّ مُحَمَّداً عَبْدُهُ وَرَسُولُهُ صَلَّىٰ اللّٰهُ عَلَيْهِ وَسَلَّمَ وَعَلىٰ آلِهِ وَأَصْحَابِه. يَآأَيُّهَا الَّذِينَ آمَنُوا اتَّقُوا اللّٰهَ حَقَّ تُقَاتِهِ وَلَا تَمُوتُنَّ إِلَّا وَأَنْتُمْ مُّسْلِمُون.

10.32 (3.24(7)) يَآأَيُّهَا النَّاسُ اتَّقُوا رَبَّكُمُ الَّذِي خَلَقَكُم مِّنْ نَّفْسٍ وَاحِدَةٍ وَخَلَقَ مِنْهَا زَوْجَهَا وَبَثَّ مِنْهُمَا رِجَالًا كَثِيرًا وَنِسَآءً وَاتَّقُوا اللّٰهَ الَّذِي تَسَآءَلُونَ بِهِ وَالأَرْحَامَ إِنَّ اللّٰهَ كَانَ عَلَيْكُمْ رَقِيبا.

10.33 (3.24(7(end))) اَللّٰهُمَّ اغْفِرْ لِلْمُؤْمِنِينَ وَالْمُؤْمِنَات .

10.34 (3.26) سُبْحَانَ اللّٰهِ وَالحَمْدُ لِلّٰهِ وَلَا إِلٰهَ إِلَّا اللّٰهُ وَاللّٰهُ أَكْبَر .

10.35 (3.26, sixth par.) اَللّٰهُ أَكْبَرُ اللّٰهُ أَكْبَرُ اللّٰهُ أَكْبَرُ لَا إِلٰهَ إِلَّا اللّٰه . اللّٰهُ أَكْبَرُ اللّٰهُ أَكْبَرُ وَلِلّٰهِ الحَمْدُ وَاللّٰهُ أَكْبَرُ كَبِيراً وَالحَمْدُ لِلّٰهِ كَثِيراً وَسُبْحَانَ اللّٰهِ بُكْرَةً وَأَصِيلا ، لَا إِلٰهَ إِلَّا اللّٰهُ وَلَا نَعْبُدُ إِلَّا إِيَّاهُ مُخْلِصِينَ لَهُ الدِّينَ وَلَوْ كَرِهَ الكَافِرُون . لَا إِلٰهَ إِلَّا اللّٰهُ وَحْدَه ، صَدَقَ وَعْدَهُ وَنَصَرَ عَبْدَهُ وأَعَزَّ جُنْدَهُ وَهَزَمَ الأَحْزَابَ وَحْدَهُ ، لَا إِلٰهَ إِلَّا اللّٰهُ وَاللّٰهُ أَكْبَر .

10.36 (3.28) أَسْتَغْفِرُ اللّٰهَ العَظِيمَ الَّذِي لَا إِلٰهَ إِلَّا هُوَ الحَيَّ القَيُّومَ وَأَتُوبُ إِلَيْه .

10.37 (3.31) اَللّٰهُمَّ اغْفِرْ لِهٰذا المَيِّت .

10.38 (6.5(3)) لَبَّيْكَ اللّٰهُمَّ لَبَّيْك ، لَبَّيْكَ لَا شَرِيكَ لَكَ لَبَّيْك ، إِنَّ الحَمْدَ وَالنِّعْمَةَ لَكَ وَالمُلْك ، لَا شَرِيكَ لَك .

10.39 (7.5(1)) اَللّٰهُمَّ بِكَ نُصْبِحُ وَبِكَ نُمْسِي وَبِكَ نَحْيَا وَبِكَ نَمُوتُ وَإِلَيْكَ النُّشُور .

10.40 (7.5(1)) إِلَيْكَ المَصِير .

10.41 (7.5(2)) أَصْبَحْنَا وَأَصْبَحَ المُلْكُ لِلّٰهِ وَالحَمْدُ لِلّٰهِ وَالكِبْرِيَاءُ لِلّٰهِ وَالعَظَمَةُ لِلّٰهِ وَالخَلْقُ وَالأَمْرُ وَاللَّيْلُ وَالنَّهَارُ وَمَا سَكَنَ فِيهِمَا لِلّٰه .

10.42 (7.5(3)) اَللّٰهُمَّ مَا أَصْبَحَ بِي مِنْ نِعْمَةٍ أَوْ بِأَحَدٍ مِّنْ خَلْقِكَ فَمِنْكَ وَحْدَكَ لَا شَرِيكَ لَكَ فَلَكَ الحَمْدُ وَلَكَ الشُّكْر .

10.43 (7.5(4)) اَللّٰهُمَّ إِنِّي أَصْبَحْتُ أُشْهِدُكَ وَأُشْهِدُ حَمَلَةَ عَرْشِكَ وَمَلَائِكَتَكَ وَجَمِيعَ خَلْقِكَ أَنَّكَ أَنْتَ اللّٰهُ لَا إِلٰهَ إِلَّا أَنْتَ وَحْدَكَ لَا شَرِيكَ لَكَ وَأَنَّ مُحَمَّداً عَبْدُكَ وَرَسُولُكَ.

10.44 (7.5(5)) رَضِيْتُ بِاللّٰهِ رَبّاً وَبِالإِسْلَامِ دِيناً وَبِسَيِّدِنَا مُحَمَّدٍ صَلَّىٰ اللّٰهُ عَلَيْهِ وَسَلَّمَ نَبِيّاً وَرَسُولا.

10.45 (7.5(6)) ءَامَنَ الرَّسُولُ بِمَا أُنْزِلَ إِلَيْهِ مِن رَّبِّهِ وَالْمُؤْمِنُونَ كُلٌّ ءَامَنَ بِاللّٰهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِّنْ رُّسُلِهِ وَقَالُوا سَمِعْنَا وَأَطَعْنَا غُفرَانَكَ رَبَّنَا وَإِلَيْكَ المَصِيرُ لَا يُكَلِّفُ اللّٰهُ نَفْساً إِلَّا وُسْعَهَا لَهَا مَا كَسَبَتْ وَعَلَيْهَا مَا اكْتَسَبَتْ رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَّسِينَا أَوْ أَخْطَأْنَا رَبَّنَا وَلَا تَحْمِلْ عَلَيْنَا إِصْراً كَمَا حَمَلْتَهُ عَلَىٰ الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلَا تُحَمِّلْنَا مَا لَا طَاقَةَ لَنَا بِهِ وَاعْفُ عَنَّا وَاغْفِرْ لَنَا وَارْحَمْنَا أَنْتَ مَوْلَانَا فَانْصُرْنَا عَلَىٰ القَوْمِ الكَافِرِين.

10.46 (7.5(7)) فَإِنْ تَوَلَّوْا فَقُلْ حَسْبِيَ اللّٰهُ لَا إِلٰهَ إِلَّا هُوَ عَلَيْهِ تَوَكَّلْتُ وَهُوَ رَبُّ العَرْشِ العَظِيم.

10.47 (7.5(8)) فَسُبْحَانَ اللّٰهِ حِينَ تُمْسُونَ وَحِينَ تُصْبِحُونَ وَلَهُ الحَمْدُ فِي السَّمٰوَاتِ وَالأَرْضِ وَعَشِيّاً وَحِينَ تُظْهِرُونَ يُخْرِجُ الحَيَّ مِنَ المَيِّتِ وَيُخْرِجُ المَيِّتَ مِنَ الحَيِّ وَيُحْيِي الأَرْضَ بَعْدَ مَوْتِهَا وَكَذٰلِكَ تُخْرَجُون.

10.48 (7.5(10)) أَعُوذُ بِاللّٰهِ السَّمِيعِ العَلِيمِ مِنَ الشَّيْطَانِ الرَّجِيم.

10.49 (7.5(11)) لَوْ أَنْزَلنَا هَذَا القُرْآنَ عَلَىٰ جَبَلٍ لَّرَأَيْتَهُ خَاشِعاً مُّتَصَدِّعاً مِنْ خَشْيَةِ اللّهِ وَتِلْكَ الأَمْثَالُ نَضْرِبُهَا لِلنَّاسِ لَعَلَّهُمْ يَتَفَكَّرُون، هُوَ اللّٰهُ الَّذِي لَا إِلٰهَ إِلَّا هُوَ عَالِمُ الغَيْبِ وَالشَّهَادَةِ هُوَ الرَّحْمٰنُ الرَّحِيم، هُوَ اللّٰهُ الَّذِي لَا إِلٰهَ إِلَّا هُوَ الْمَلِكُ الْقُدُّوسُ السَّلَامُ الْمُؤْمِنُ الْمُهَيْمِنُ العَزِيزُ الجَبَّارُ المُتَكَبِّرُ سُبْحَانَ اللّهِ عَمَّا يُشْرِكُون، هُوَ اللّٰهُ الخَالِقُ البَارِىءُ المُصَوِّرُ لَهُ الأَسْمَاءُ الحُسْنَىٰ يُسَبِّحُ لَهُ مَا فِي السَّمٰوَاتِ وَالأَرْضِ وَهُوَ العَزِيزُ الحَكِيم.

10.50 (7.5(13)) بِسْمِ اللّهِ الَّذِي لَا يَضُرُّ مَعَ اسْمِهِ شَيْءٌ فِي الأَرْضِ وَلاَ فِي السَّمَاءِ وَهُوَ السَّمِيعُ العَلِيم.

10.51 (7.5(14)) أَعُوذُ بِكَلِمَاتِ اللّٰهِ التَّامَّاتِ مِنْ غَضَبِهِ وَعِقَابِهِ وَشَرِّ عِبَادِهِ وَمِنْ هَمَزَاتِ الشَّيَاطِينِ وَأَنْ يَحْضُرُون.

10.52 (7.5(15)) أَسْتَغْفِرُ اللّٰهَ العَظِيمَ الَّذِي لَا إِلٰهَ إِلَّا هُوَ الحَيَّ القَيُّومَ وَأَتُوبُ إِلَيْه.

10.53 (7.5(16)) سُبْحَانَ اللّٰهِ وَبِحَمْدِه.

10.54 (7.5(17)) سُبْحَانَ اللّٰهِ وَبِحَمْدِهِ عَدَدَ خَلْقِهِ وَرِضَا نَفْسِهِ وَزِنَةَ عَرْشِهِ وَمِدَادَ كَلِمَاتِه.

10.55 (7.5(18)) سُبْحَانَ اللّٰهِ وَالحَمْدُ لِلّٰهِ وَلَا إِلٰهَ إِلَّا اللّٰهُ وَاللّٰهُ أَكْبَر.

10.56 (7.5(19)) لَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللّٰهِ العَلِيِّ العَظِيم.

10.57 (7.5(20)) لَا إِلٰهَ إِلَّا اللّٰهُ المَلِكُ الحَقُّ المُبِين.

10.58 (7.5(21)) لَا إِلٰهَ إِلَّا اللّٰهُ وَحْدَهُ لَا شَرِيكَ لَه ، لَهُ الْمُلْكُ وَلَهُ الحَمْدُ وَهُوَ عَلَىٰ كُلِّ شَيْءٍ قَدِير .

10.59 (7.5(22)) اَللّٰهُمَّ صَلِّ عَلَىٰ سَيِّدِنَا مُحَمَّدٍ عَبْدِكَ وَنَبِيِّكَ وَحَبِيبِكَ النَّبِيِّ الأُمِّيِّ وَعَلَىٰ آلِهِ وَصَحْبِهِ وَسَلِّم .

IMAM NAWAWI

Imam Nawawi is Yahya ibn Sharaf ibn Murri ibn Hasan, Abu Zakariyya Muhyi al-Din al-Nawawi, born in the village of Nawa on the Horan Plain of southern Syria in 631/1233. He was the Imam of the late Shafi'i school, the scholar of his time in knowledge, piety, and abstinence, a hadith master (hafidh), biographer, lexicologist, and a saintly mystic who is generally considered to have been a friend of Allah (wali).

When he first came to Damascus in A.H. 649, he memorized the text of Abu Ishaq al-Shirazi's *al-Tanbīh* [The apprisal] in four and a half months, then the first quarter of Shirazi's *al-Muhadhdhab* [The rarefaction], after which he accompanied his father on hajj, then visited Medina, and then returned to Damascus, where he assiduously devoted himself to mastering the Islamic sciences. He learned Shafi'i jurisprudence, hadith, tenets of faith, fundamentals of Islamic law, Arabic, and other subjects from more than twenty-two scholars of the time, including Abu Ibrahim Ishaq al-Maghribi, 'Abd al-Rahman ibn Qudama al-Maqdisi, and others, at a period of his life in which, as his biographer Imam Dhahabi was to note, "his dedication to learning, night and day, became proverbial." Spending all his time either worshipping or gaining Sacred Knowledge, he took some twelve lessons a day, only dozed off at night in moments when sleep overcame him, and drilled himself in the lessons he learned by heart even while walking along the street.

Fastidious in detail and deep in understanding of the subjects he thus mastered, he authored many famous works in Islamic jurisprudence, hadith, history, and legal opinion, among the best known of which are his *Minhaj al-talibin* [The seeker's road], which has become a main reference for the Shafi'i school,

Riyad al-salihin [The gardens of the righteous] and *Kitab al-adhkar* [The book of the remembrances of Allah] in hadith, as well as his eighteen-volume *Sharh Sahih Muslim* [Commentary on Muslim's *Sahih*], which he was the first to divide into chapters and give headings describing their content.

He lived the life of those dedicated to the hereafter, ate simply, and it is related that his entire wardrobe consisted of a turban and an ankle-length shirt (thawb) with a single button at the collar.

After a residence in Damascus of twenty-seven years spent in devotion to Allah, learning, teaching, and authoring his famous and enduring works, he returned the books he had borrowed from charitable endowments, bade his friends farewell, visited the graves of his sheikhs who had died, and departed, going first to Jerusalem and then to his native Nawa, where he became ill at his father's home and died at the age of forty-four in 676/1277, young in years but great in benefit to the Islamic Community.

Perhaps it was because of his tremendous sincerity that Allah gave him such success in his written works, for it is difficult to name an Islamic figure of the last seven centuries whose works have enjoyed a wider popularity or been more treasured and frequently used by Muslims in all parts the Islamic world than this pure-hearted scholar.

THE ORIGIN OF THE TEXT

The specialist in Arabic books in manuscript and print Khayr al-Din al-Zirikli lists *al-Maqasid* among Nawawi's works in his *al-A'lam* ((9.83), 8.149). The *Maqasid* has been printed, under various titles and subtitles, some five times in Cairo, Beirut, and Damascus in the present century. It also exists in two handwritten manuscripts known to the translator: *Maqasid li al-Nawawi* ((9.61), 22 fols. N.d. Number 1471, al-Zahiriyya, Maktaba al-Asad, Damascus); and *al-Maqasid* ((9.59), 31 fols. 1187/1773. Private collection of Iyad al-Tabba', Damascus).

Although the book is not listed among al-Nawawi's works by early biographers such as Ibn al-'Attar (d. 724/1324), Sakhkhawi (902/1497), and Suyuti (911/1505), this is not particularly strange, firstly in view of the work's relative importance and brevity (twenty-two or thirty-one pages in manuscript) compared to, for example, Nawawi's *Sharh al-Muhadhdhab* (twenty volumes in print) or *Sharh Sahih Muslim* (eighteen volumes), or *Rawda al-talibin* (twelve volumes) in relation to which it is only a small *matn;* and secondly because the biographers were not exhaustive. Ibn al-'Attar, Suyuti tells us, "did not list all [of Nawawi's works], or even come close" (*al-Minhaj al-sawi* (9.75), 65). Suyuti himself names thirty-three works, which are "what comes to my mind of his works, after checking" (ibid.), while Sakhawi says that Nawawi authored "about fifty works" (*al-Manhal al-'adhb* (9.68), 63), though he only names forty of them. Their not mentioning *al-Maqāsid* would not seem to be an objection to the authenticity of the manuscript copies, without other internal textual evidence.

As for this content, the tenets of faith ('aqida) at the first of the book are those of orthodox Islam, which Imam Nawawi ably represents, and are in complete agreement with his positions

on tenets of faith in the introduction to *Sharh al-Muhadhdhab* and many places in his *Sharh Sahih Muslim*. The main body of the book, as will not be lost on anyone familiar with Shafi'i fiqh, is a summary of many of the legal rulings found in Nawawi's *Minhaj al-talibin* and other famous works in Islamic jurisprudence.

The final section on Sufism is consonant not only with the way Imam Nawawi lived and was, but with his book on the subject *Bustan al-'arifin* [The grove of the knowers of Allah], as well as the many passages in his introduction to *Sharh al-Muhadhdhab* and throughout his *Kitab al-adhkar* that are quoted from Qushayri's manual of Sufism *al-Risala al-Qushayriyya*. Although the principles that appear in this final section were given with only slight differences by later author Ahmad Zarruq (d. 899/1493) in answer to a question about the fundamentals of Sufism (*Qawanin hikam al-ishraq* (9.70), 117–19), Zarruq's version is exposited in greater detail, quotes other Sufis, and is more than twice as long as the *Maqasid*'s version, sufficient by the standards of the times to be presented as his own without reference to previous sources. More tellingly perhaps, *principles* of a traditional discipline mean those that are known and adhered to by all who share in it, and cannot be regarded as the ideas of a particular author.

To summarize, though *al-Maqasid* is traditionally ascribed to Imam Nawawi rather than rigorously authenticated of him, this is true of a great many other Islamic texts that have been received and taught down through the centuries; and if early biographers do not mention the present *matn* by name, their lists of the author's works are not complete, and the content of the *Maqasid* that bears Imam Nawawi's name in manuscript copies and contemporary printed versions is attested to by his many other writings on tenets of faith, jurisprudence, and Sufism. With its small size, it is one of the most useful manuals of Islamic personal law available, and is likely to remain so.

INDEX

FAMOUS FIQH HANDBOOKS like *al-Maqasid* have stood the test of time because of their sheer usefulness. Compact enough to be memorized by students becoming scholars, *al-Maqasid* contains hundreds of rulings of personal Islamic law distilled from the most commonly asked and answered questions in schools and mosques from the time of the Prophet (Allah bless him and give him peace) down to Imam Nawawi.

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